



Request for Appeal

Name of applicant: EUGENE J. SR. & CAROL A. GAJEWSKI

Address: 5 DERECHO COURT, EDGEWOOD, NM 87015

Owner: SAME

(If same as applicant, write "same")

Location of property 5 DERECHO COURT EDGEWOOD
TOWN RTE 52B 0.85 AC LOT 3B1B
BLK 2 TIGRA Linda S/O Replat Lot 3
(Street, number, sub-division & lot number)

Appeals. Any person or member of the governing body aggrieved by a decision of the Planning Commission in carrying out the provisions of the 2014-02 Zoning Ordinance may file an appeal which must set forth specifically a claim that there was an error or an abuse of discretion or that a decision was not supported by evidence in the matter.

See Attached

ATTACH ANY SUPPORTING DOCUMENTATION

Applicant Carol A. Gajewski
(Signature)

Date: 10-28-2015

Administrative Fee of \$100.00

Date Paid

Eugene F. Gajewski Sr & Carol A. Gajewski
And Tierra Linda Property Owners
Edgewood, NM 87015

October 28, 2015

Town of Edgewood
Stephen Shephard, Administrator
Kay McGill, Chairperson,
Planning and Zoning Commission Chairman
P. O. Box 3610
Edgewood, N M 87015

RE: Appeal of the Planning and Zoning Commission Approvals of Variances for two lots
#6 Marietta Court, Lot 19R, , Edgewood Plaza Subdivision located in Section 28 Township
10 North Range 7 East, Edgewood, Santa Fe County, New Mexico. (960 acres)
#8 Marietta Court, Edgewood Plaza Subdivision located in Section 28, Township 10 North,
Range 7 East, Edgewood, Santa Fe County, New Mexico. (.940 acres)

Dear Mr. Shephard,

On behalf of Eugene F. Sr. and Carol Gajewski, and Laura Shriver-Herman, Curtis Luttrell,
Derek Watrin, Jennifer Cook, June C. Ciccone, Rhonda M. Romero in accordance with Section 37.F. of the Town of
Edgewood Zoning Ordinance 2014-02 as amended February 4, 2015, and Prepared Findings of Fact,
Conclusions of Law and Recommended Order for Case: 2015-01 V signed September 30, 2015 & October 1, 2015
request for an appeal of the Planning and Zoning Commission decision to approve the variances of the above two lots
in Case No. 2015-01V. is hereby made.

HISTORY

July 30, 2015:

Call for Public Hearing to be held on the 18th of August, for Consideration of a Variance Request
from Zoning Ordinance 2014-02 and Consideration of a Variance Request from Sign Ordinance
2009-02. Madame Chair McGill directed staff to post signs announcing the Public Hearing for a
minimum of 15 days prior to the Public Hearing.

August 11, 2015:

Application for Variance was received by Staff and signed by Scott McCall for the above lots.

August 18, 2015:

PUBLIC HEARING was held and Madame Chair McGill asked for Certification that this meeting
was posted as required. Steve Shepherd certified that it had been printed in Independent newspaper
on August 5, 2015 and letters hand delivered to the adjoining property owners, and six signs were posted.
A Motion was made by Commissioner Gabel to approve the application for variances, it was
Approved by vote of Commissioners, Thompson, Markley, Gabel and Madame Chair McGill

Noted : Landowners both North or South of the above numbered lots within 500 feet were not notified by
letter as required in the Town of Edgewood Ordinance No. 2006-2

August 25, 2015:

Letter with the above date was sent to Eugene and Carol Gajewski, Laura Shriver-Herman and Terri Sandin
for Curtis Luttrell notifying us of a Public Hearing to be held on September 15, 2015 at 6:00 pm during a
regular Planning and Zoning Commission meeting. We were not notified of the Type of Project only the
Variance requests, nor the applicant.

#3 1/6

Eugene F. Gajewski Sr & Carol A. Gajewski
And Tierra Linda Property Owners
Edgewood, NM 87015

September 1, 2015

Findings of Fact and Conclusions of Law were not approved for the Variance Request for #6 & #8 Marietta Court. A motion was made and approved to defer the Public Hearing and approval of the Findings of Facts and Conclusions of Law to allow for proper notice to be given. Amended to motion a Special Meeting date to be determined. Commissioners Markley, Thompson and Vice Chairman Gabel approved, Commissioner Navarre abstained. Motion carried.

September 4, 2015:

A letter with the above date was sent to Eugene and Carol Gajewski, Laura Shriver-Herman, Terri Sandlin for Curtis Luttrell, informing them of the Public Hearing previously noticed for September 15, 2015, will be held on September 22, 2015. A partial packet was sent which did not include sign consideration photos only several hotel and land photos.

September 22, 2015:

Mr. John Bassett, Mr. Scott McCall, Mrs. Carol Gajewski and Steve Shepherd were sworn and testified: No written reports or studies were presented to demonstrate compliance with Fire Safety Codes Or NMDOT traffic impacts on NM 333. Nor was there any evidence introduced demonstrating Town of Edgewood wastewater treatment plant capacity availability. This variance request was approved based solely on unverified anecdotal evidence provided by The applicant Mr. McCall and the Town Administrator Steve Shepherd. Findings of Fact, Conclusions of Law, and Recommended Order Draft Samples for Approval or Disapproval were already in the packets of the Commissioners before the motion to approve the Variance was made and voted on or any Findings drafted. Commissioners Thompson, Markley and Madam Chair McGill voted unanimously to approve the Variance request.

A second motion was made and then approved with Steve Shepherd noting changes to the motion which were included in previous discussions and Public Hearings for this case. Those changes which came from previous discussions at the earlier Public Hearing were not made available to all the participants. Commissioners Thompson, Markley and McGill voted unanimously to approve the Findings of Fact and Conclusions of Law.

September 30, 2015 & October 1, 2015:

Before the Town of Edgewood Planning & Zoning Commission
Findings of Fact, Conclusions of Law and Recommended Order were signed per approval of
The September 22, 2015 Public Hearing.

The Motion to approve the Variances made on September 22, 2015 and recorded in the minutes of that meeting included none of the Findings of Fact or Conclusions of Law that are now set out in the signed copy of the Findings of Fact and Conclusions of Law and Recommended Order in the matter of an application by Scott McCall, Case 2015-01 V.

The failure of the Planning & Zoning Commission to properly call out those Findings in their motion to approve the request renders those Findings of Fact and Conclusions of Law null and void

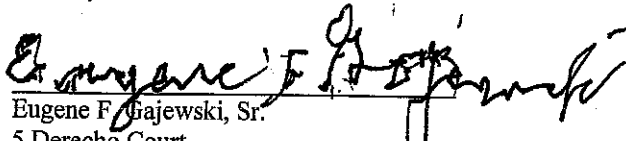
4 of 6

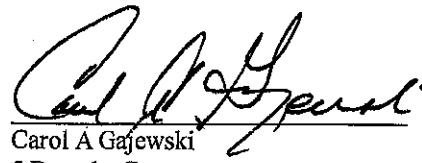
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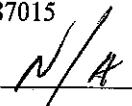
The failure of the Edgewood Planning & Zoning commission to follow basic ordinance requirements and perform Due diligence resulted in multiple errors being committed in this case. Again and again the Commission abused Its discretionary powers and acted in a rash manner to hurry this application through the required process. The result of their actions was to deny us our right to due process and will very likely result in a loss of value to our property

For these and other reasons we the undersigned respectfully request that the Governing Body of the Town of Edgewood deny the request for Variance Case: 2015-01 V.


Thank you.

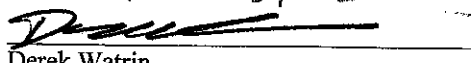

Eugene F. Gajewski, Sr.
5 Derecho Court
Edgewood, NM 87015



Carol A Gajewski
5 Derecho Court
Edgewood, NM 87015



Gary Woodworth
7-A Derecho Lane (P O Box 1881)
Edgewood, NM 87015


See Attached
Laura S. Shriver-Herman
HC 62 Box 4108
Thoreau, NM 87323


Curtis Luttrell - owner of Camino Derecho, Edgewood
674 Blackhawk dr
AIB NM 87122


Derek Watrin
4 Derecho Court
Edgewood, NM 87015


Jennifer Cook
4 Derecho Court
Edgewood, NM 87015


June C. Ciccone
11 Camino Derecho
Edgewood, NM 87015


Rhonda M. Romero
11 Camero Derecho
Edgewood, NM 87015

586

Eugene F. Gajewski Sr & Carol A. Gajewski
And Tierra Linda Property Owners
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Reasons for Appeal of Decision:

- Beginning on July 30, 2015 the Edgewood Planning & Zoning Commission ignored Section 37.D.1, Of the Zoning Ordinance which states; *"The Planning & Zoning Commission shall review and discuss the Request for Variance and supporting documentation at a regular meeting, and may request comments from Town staff and/or other governmental and utility agencies"*. The Commission did not review and discuss the request or supporting documentation from Scott McCall as called for in their ordinance. Nor did they reach out and request comments from other governmental and utility agencies such as the Santa Fe County Fire Department or the New Mexico Department of Transportation which would have spoken to safety and traffic impacts created by this project. Therefore the decision of the Commission was not supported by evidence in this matter.
- No effort was made by the Planning & Zoning Commission to ascertain the capacity availability at the Town's wastewater treatment plant for a project of this size. At the Edgewood Town Council meeting held on October 7, 2015, Mr. Raymond Dennis provided a report which suggests the Town's wastewater Treatment plant is now at its full capacity. The matter of sewer availability for a project of this size should have been discussed by the Planning & Zoning Commission before it made any decision to grant this Variance. Therefore the decision of the Commission was not supported by evidence in this matter.
- The Planning & Zoning Commission failed in its duty to follow town Ordinance No.2006-2, Early Neighborhood Notification and recognition, when it sent out notification to adjoining landowners before The Public Hearing held on August 18, 2015. This denied property owners such as us an equal opportunity to see and hear all the evidence and testimony which was presented that evening. This is important because the bulk of the adopted Findings of Fact and Conclusions of Law were decided on the 18th of August when we were not in attendance and unable to give our testimony or cross examine witnesses in the matter. This was an outrageous error and an abuse of discretion on the part of the Commission which forfeited our rights to due process in the matter and could also result in lowering our property values.
- At the second Public Hearing which was held on September 22, 2015 the Planning & Zoning Commission arrived at the hearing with a set of pre-written Findings of Fact and Conclusions of Law already in their packets for consideration. These pre-written Findings and Conclusions practically steered the Commission towards the decision it made to approve the request for Variance by Mr. McCall. At the time of the meeting we were unaware that the Commission had these pre-written Findings in their possession. Watching the Commission move so effortlessly toward their final decision Carol Gajewski asked the Chair if this matter had already been decided? Chairwoman McGill responded that it had not already been decided, but the existence of those pre-written Findings in their possession that night tells me that she had lied. Having pre-written Findings of Fact and Conclusions of Law in their possession before the start of a quasi-judicial public hearing where the Commissioners are expected to act in a fair and impartial manner to all parties involved is another outrageous error and abuse of discretion by this Planning & Zoning Commission that could result in a loss of value to our property and most certainly forfeited our rights as citizens to due process and an expectation of fair and equal treatment by our government.
- On September 9, 2015 the Governing Body of the Town of Edgewood ratified and signed an agreement with Scott McCall which commits the Town of Edgewood to provide "Substantive Contributions and Grant Funds not to exceed \$168,785.00". Among the fees and permitting costs which will be either waived or reduced for Mr. McCall are items involving, Required Traffic Studies, Wastewater Capacity Fee, Access Fee: Town Permit, and also a Sign Permit Application Fee (4 signs). All of these things were listed in the agreement with Mr. McCall on September 9th as things he would need to have in order to begin his motel project, yet no evidence was ever presented at the hearing two weeks later on September 22nd which spoke to these items or any concerns that might exist with them. In addition, the final Findings of Fact and Conclusions of Law call out the Uniform Fire Code 1999-T as one of the Town Ordinances which will have to be followed and yet no evidence was brought forth which demonstrates this project's compliance with that Code either. Therefore the decision of the Commission to approve Mr. McCall's request for Variance from the Zoning and Sign Ordinances was not supported by any factual evidence necessary to comply with those project requirements set out in Section I.B. of the Project Participation Agreement which was signed on or about the 9th of September with Mr. Scott McCall.

666

Eugene F. Gajewski Sr & Carol A. Gajewski
And Tierra Linda Property Owners
Edgewood, NM 87015

The failure of the Edgewood Planning & Zoning commission to follow basic ordinance requirements and perform Due diligence resulted in multiple errors being committed in this case. Again and again the Commission abused Its discretionary powers and acted in a rash manner to hurry this application through the required process. The result of their actions was to deny us our right to due process and will very likely result in a loss of value to our property

For these and other reasons we the undersigned respectfully request that the Governing Body of the Town of Edgewood deny the request for Variance Case: 2015-01 V.

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Carol A Gajewski

Gary Woodworth




Laura S. Shriver-Herman

Curtis Luttrell

Derek Watrin

Jennifer Cook

#1 of 6



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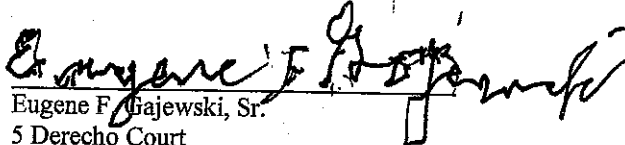
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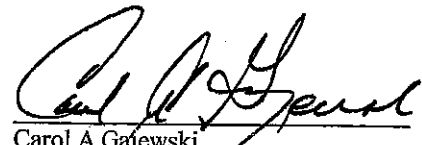
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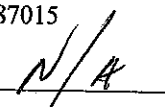
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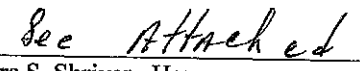
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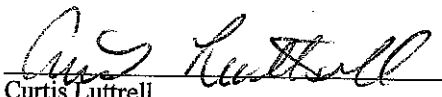
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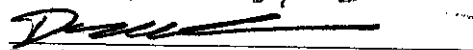

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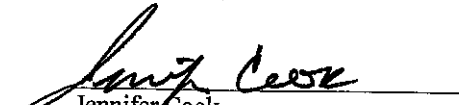

Carol A. Gajewski
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Gary Woodworth
7-A Derecho Lane (P O Box 1881)
Edgewood, NM 87015



Laura S. Shriver-Herman
HC 62 Box 4108
Thoreau, NM 87323


Curtis Luttrell - owner of Camino derecho, Edgewood
674 Blackhawk dr
AIB NM 87122


Derek Watrin
4 Derecho Court
Edgewood, NM 87015


Jennifer Cook
4 Derecho Court
Edgewood, NM 87015


June C. Ciccone
11 Camino Derecho
Edgewood, NM 87015


Rhonda M. Romero
11 Camero Derecho
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586
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Eugene F. Gajewski Sr & Carol A. Gajewski
And Tierra Linda Property Owners
Edgewood, NM 87015

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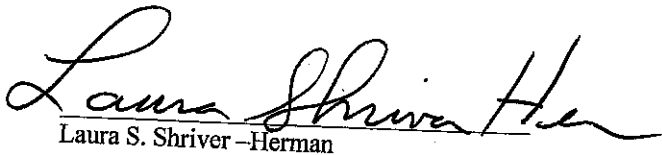
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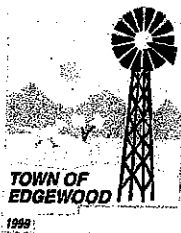
Jennifer Cook

**Planning & Zoning Commission Packet sent to
Commissioners for the August 18, 2015 meeting and
the September 22, 2015 meeting**

Re: Request for Variances -

Applicant: S. McCall

**Includes: Application and Supporting documents
Staff Report**



APPLICATION FOR VARIANCE

A-1

INSTRUCTIONS:

This application form is required to initiate a variance from the strict application of area, height, dimension, distance, setback, or off-street parking requirements of the Comprehensive Zoning Ordinance of the Town of Edgewood. This form must be completed and submitted with the required administrative fee of \$25.00 per sign, and \$ 50.00 for other to the Municipal Office. A Variance may be granted by the Town Planning Commission at a regularly scheduled meeting following receipt of the completed application (Sec. 36, Edgewood Zoning Ordinance).

APPLICANT INFORMATION:

Applicant Name Scott McCall Phone Number 505-235-9018

Mailing Address P.O. Box 687 Edgewood New Mexico 87015

GENERAL INFORMATION:

This is a Variance for (check as appropriate):

- | | |
|---|---|
| <input type="checkbox"/> Area | Explain: _____ |
| <input type="checkbox"/> Height | Explain: <u>60' Overall Height</u> |
| <input type="checkbox"/> Setback | Explain: <u>10' rather than 25' on back of building</u> |
| <input type="checkbox"/> Off-Street Parking | Explain: _____ |
| <input type="checkbox"/> Dimension | Explain: _____ |
| <input type="checkbox"/> Distance | Explain: _____ |
| <input type="checkbox"/> Sign | Explain: <u>70' Tall Pylon Sign/Off Site 30' Sign</u> |

Location and Legal Description of Property that is Subject of the Request:
6&8 Marietta Court Edgewood New Mexico: Lot 19R & Lot 18R Edgewood Plaza Development

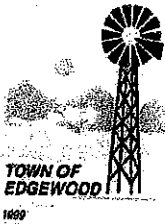
Zoning and Present Use of Property:
Zoning is C2 and Present Use is Vacant Land

REQUIRED ATTACHMENTS:

1. A written statement explaining the reason for the request(s), including the exceptional conditions that would justify a variance from the zoning regulations.
2. An accurate sketch plans (to scale) showing the relevant structures, property lines, and dimensional measurements of the subject property and contiguous properties.

Applicant Signature: _____ Date: _____

Received by: _____ Amount: _____ Receipt No.: _____ Date: _____



APPLICATION FOR VARIANCE

A-2

INSTRUCTIONS:

This application form is required to initiate a variance from the strict application of area, height, dimension, distance, setback, or off-street parking requirements of the Comprehensive Zoning Ordinance of the Town of Edgewood. This form must be completed and submitted with the required administrative fee of \$25.00 per sign, and \$ 50.00 for other to the Municipal Office. A Variance may be granted by the Town Planning Commission at a regularly scheduled meeting following receipt of the completed application (Sec. 36, Edgewood Zoning Ordinance).

APPLICANT INFORMATION:

Applicant Name _____ Phone Number _____

Mailing Address _____

GENERAL INFORMATION:

This is a Variance for (check as appropriate):

- | | |
|---|----------------|
| <input type="checkbox"/> Area | Explain: _____ |
| <input type="checkbox"/> Height | Explain: _____ |
| <input type="checkbox"/> Setback | Explain: _____ |
| <input type="checkbox"/> Off-Street Parking | Explain: _____ |
| <input type="checkbox"/> Dimension | Explain: _____ |
| <input type="checkbox"/> Distance | Explain: _____ |
| <input type="checkbox"/> Sign | Explain: _____ |

Location and Legal Description of Property that is Subject of the Request:

_____ Edgewood New Mexico Lot 19R & 19S 1381 Edgewood Plaza David _____

Zoning and Present Use of Property:

REQUIRED ATTACHMENTS:

1. A written statement explaining the reason for the request(s), including the exceptional conditions that would justify a variance from the zoning regulations.
2. An accurate sketch plans (to scale) showing the relevant structures, property lines, and dimensional measurements of the subject property and contiguous properties.

Applicant Signature: _____ Date: 8-11-15

Received by: * Amount: _____ Receipt No.: _____ Date: _____

* SEE ATTACHED

JUSTIFICATION

(Must Be Completed Fully By Applicant)

The following questions are intended for you to explain why your request meets the four conditions to be met in order to be granted a variance by the Planning & Zoning Commission. It is the burden of the applicant to prove his or her case to the Commission.

1. Please explain what special circumstances or conditions apply to the land, building, or use referred to in the application, deprive such property of the ability to display signs enjoyed by other property in the vicinity of the subject property and in the same zoning district or special sign zone. Special circumstances or conditions would include, for example: size, shape, location or surroundings of the subject property and the orientation of the buildings. This condition is considered a property hardship and it must be a condition relating to the property that is so unique it cannot be replicated on any other similarly zoned property in the Town.

The Variance that we are asking for is a three part variance. "Variance 1" is a request for a variance of the building height. We are asking for a 60' maximum building height. We need to place a 70 room property on this site and allow for adequate parking for trucks and vehicles that travel up and down I-40 on a daily basis. The target customer who will utilize our services will be traveling in all sizes of transportation and it is important to accommodate their needs while spending the night. Too tight of parking spaces and a lack of turn around space in a parking lot can be a negative when considering where to spend the night. The property being considered is just under two acres and to place a correct sized hotel on this space the footprint must be smaller to allow for more parking to service the guest. "Variance 2" is a reduction in the setback requirement for the back of the building. We would like to ask for consideration of a reduction in the setback requirement from a 25' setback requirement to a 10' requirement. This too will help with adequate parking for the business. It is our belief this should not negatively impact any surrounding property owners because there will be more than 50' of spacing between the existing building and the proposed new construction building. This will still maintain the desired 50' distance between each structure on different lots. Currently, the buildings this setback requirement will impact is owned by our family and there are not objections to this request. "Variance 3" is a request for a change in the sign ordinance for this property. This property is currently not in the "Commercial Overlay Zone" but does have the same characteristics as described in the sign ordinance. Signage is a key part of the success of this business because it is important to understand that Edgewood is a town that only has one exit. If potential guest or customers from I-40 do not realize their needs can be met by our town before they pass the one and only exit, they will not be able to use our services. Once they identify the services are available but miss the exit ramp the next safe exit they can utilize to turn around is either in Moriarty or 6 miles closer to Albuquerque. It is our opinion if a potential customer continues to travel until they can

4. Please provide information that proves the special circumstances on your property were not created by the owner, any previous owner, or applicant. The property hardship cannot be self-imposed.

The proposed variances are needs specific to these lots for the specific purposes that are being proposed. The previous owners would have not needed these variances and would not have been made aware of these issues because the situation is specific to need of a lodging establishment. These requests are key factors for helping this business to be successful and to be a strong financial partner to the community. The three variances being requested can't be self-imposed because these variances are determined by town ordinance and not land use restrictions.



Edgewood + New Mexico
Where the Mountains meet the Plains

VARIANCE APPLICATION PROCEDURES

A variance is a request to deviate from the established development standards in the Sign Code. In order to be granted a variance, an applicant must prove four conditions exist on the subject property. Upon filing a request for a variance, it is recommended that the applicant meet with a Town of Edgewood Staff Member to discuss possible alternatives to filing a variance. Once an application is filed, the applicant will attend a public hearing held by the Planning & Zoning Commission. This Board consists of five (5) members and one (1) alternate appointed by the Mayor and approved by the Town Council who will determine whether to recommend approval or denial of the variance request to the Town Council. The Planning & Zoning Commission must find that four conditions exist on the subject property to rule favorably on a variance request. The applicant is required to prove his or her case to the Planning & Zoning Commission based on the four conditions listed below.

1. There are special circumstances or conditions applying to the land, building, or use referred to in the request; and
2. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights; and
3. The granting of the variance will not materially be detrimental to persons, property, or to the public welfare of the community; and
4. The special circumstances applicable to the subject property were not self-imposed by the property owner or any previous owner of the property.

Further, a Commission member may not be approached in person, by telephone, or electronic e-mail by the applicant to discuss the variance. Questions or concerns regarding the variance or public hearing process should be directed to the Town of Edgewood staff. Also, all Commission members are prohibited from visiting the subject site individually but are allowed to visit the site as a group.

Variances which are granted by the Commission shall be void if the use is not commenced or a building permit has not been issued within sixty (60) days of the Commission's action or within the time stipulated by the Commission.

TOWN OF EDGEWOOD
BOX 3810
EDGEWOOD NM 87015

RECEIPT DATE 8/11/15 No. 929820
RECEIVED FROM Express Motels LTD Co. \$ 125.00
One hundred twenty-five 09 DOLLARS
☐ FOR RENT
☒ FOR Application Fee # 19906
ACCOUNT ☐ CASH
PAYMENT ☒ CHECK FROM TO
BAL DUE ☐ MONEY ORDER BY Sebrana Sanchez
☐ CREDIT CARD

EXPRESS MOTELS LTD CO
dba COMFORT INN
P.O. BOX 280
MORIARTY, NM 87035

19906

8-11-15

PAY TO THE ORDER OF Town of Edgewood \$ 125.00 DOLLARS
One hundred twenty-five dollars 00/100

MEMO [Signature]

© 2011 INUIT INC. # 785 1-800-433-8910



REALTORS® ASSOCIATION OF NEW MEXICO
AMENDMENT NO. ONE - 2015

This Amendment is a part of the ☐ Residential ☒ Commercial ☐ Vacant Land ☐ Farm and Ranch Purchase Agreement (the "Agreement") dated 07/30/2015 between George Scott or assignee(s) and Washington Federal by Rick Gerstmann ("Buyer") relating to the purchase of the following Property: ("Seller")
6 & 8 Marietta Ct

Address Edgewood NM 87015
City State Zip Code

Legal Description Lot 19R and Lot 16R Edgewood Plaza Development, Santa Fe County New Mexico

or see metes and bounds description attached as Exhibit _____ County, New Mexico.

The Agreement is amended as follows:

1. Assignees will be Scott McCall and Amy McCall, a married couple

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REALTORS® ASSOCIATION OF NEW MEXICO PURCHASE AGREEMENT - VACANT LAND - 2015

OFFER DATE: 07/13/2015

1. PARTIES. George Scott or assignee(s) ("Buyer") agrees to buy from Seller and Owner of record ("Seller") agrees to sell and convey to Buyer the Property described in Paragraph 4 with a Settlement/Signing Date of 11/12/2015 (described in Paragraph 5 below).

2. PURCHASE PRICE.

A. APPROXIMATE CASH DOWN PAYMENT

B. AMOUNT OF THE LOAN(S) (described in Paragraph 5 below)

3. EARNEST MONEY. Buyer will deliver

Earnest Money in the form of ☒ Check ☐ Cash ☐ Note ☐ Wire Transfer of Funds ☐ Other dated upon acceptance _____, to be escrowed upon mutual acceptance of this Agreement by Buyer and Seller with Owners choice _____, in accordance with New Mexico law. Earnest Money will be applied to Purchase Price, down payment and/or closing costs upon Funding Date.

4. PROPERTY.

A. DESCRIPTION.

6 & 8 Marlette Ct

Edgewood

NM 87015

Address

City

State/Zip

Lot 19R and Lot 18R Edgewood Plaza Development, Santa Fe County New Mexico

Legal Description

_____ or see metes and bounds or other legal description attached as Exhibit _____, _____ County(ies), New Mexico. If the legal description of the Property is not complete or is inaccurate, this Agreement will not be invalid and the legal description will be completed or corrected to meet the requirements of the Title Company which will issue the Title policy.

B. The Property will include the following, (if owned by the Seller) if they exist on the Property, free of liens, unless excluded in 4C: all appurtenances to the land including all buildings and structures within the boundaries of the Property, gates, auto gates, cattle guards, fences and any improvements erected upon or affixed to same; water tanks; fuel tanks; holding tanks or other trade fixtures; water systems, irrigation systems, irrigation equipment, outdoor lighting fixtures, outdoor heating, air conditioning, ventilating fixtures and systems; all personal property affixed or attached to the Property, including but not limited to smoke, fire, security and water conditioning systems; interior heating, ventilating and air conditioning systems; landscaping, landscaping sprinklers/drip irrigation equipment; and other _____

C. The following items are excluded from the sale:

D. IMPROVEMENTS. At the time of this offer, the Property includes the following checked improvements. **BY ACCEPTANCE OF THIS AGREEMENT, THE SELLER WARRANTS THE EXISTENCE OF CHECKED IMPROVEMENTS.**

Jenny Wayland

Capital Realty

1524 Rubank NE, Suite 5 Albuquerque, NM 87112

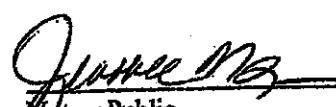
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6/25 WF/RG

e-Recorded 1691876 12/27/12 SFC

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was signed, acknowledged, and verified before me on December 14, 2012, by Howard E. McCall, as President of McCall Family Limited, Inc., as general partner of McCall Family Limited Partnership, as sole member of Express Development Ltd Co, a New Mexico limited liability company.



Notary Public

My Commission Expires:

 OFFICIAL SEAL
JEANNE E. MCGAVICK
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires: 12/14



REALTORS® ASSOCIATION OF NEW MEXICO
ADDENDUM TO PURCHASE AGREEMENT - 2015
ADDENDUM NO. ONE

This Addendum is part of the ☐ Residential ☒ Commercial ☒ Vacant Land ☐ Farm and Ranch Purchase Agreement dated 07/10/2015 between George Scott

Owner of record	("Buyer") and		
6 & 8 Marietta Ct	("Seller") and relating to the following Property:		
Address	Edgewood	NM	87015
Lot 19R and Lot 18R Edgewood Plaza Development	City	Zip Code	

or see metes & bounds description attached as exhibit _____ County, New Mexico.

Buyer and Seller agree as follows:

1. Buyer will have 90 days from date of acceptance for all inspections and due diligence.
2. Purchase is contingent upon a variance from the Town of Edgewood for a 4 story building
3. Purchase is contingent upon a satisfactory Grading and Drainage plan
4. Purchase is contingent upon a Solis Analysis by a Qualified Engineer
5. Purchase is contingent upon a Traffic Study that will NOT require any additional construction on Old Route 66 to Marietta Court by the NM DOT
6. Purchase is contingent upon Site plan APPROVAL by the Town of Edgewood.

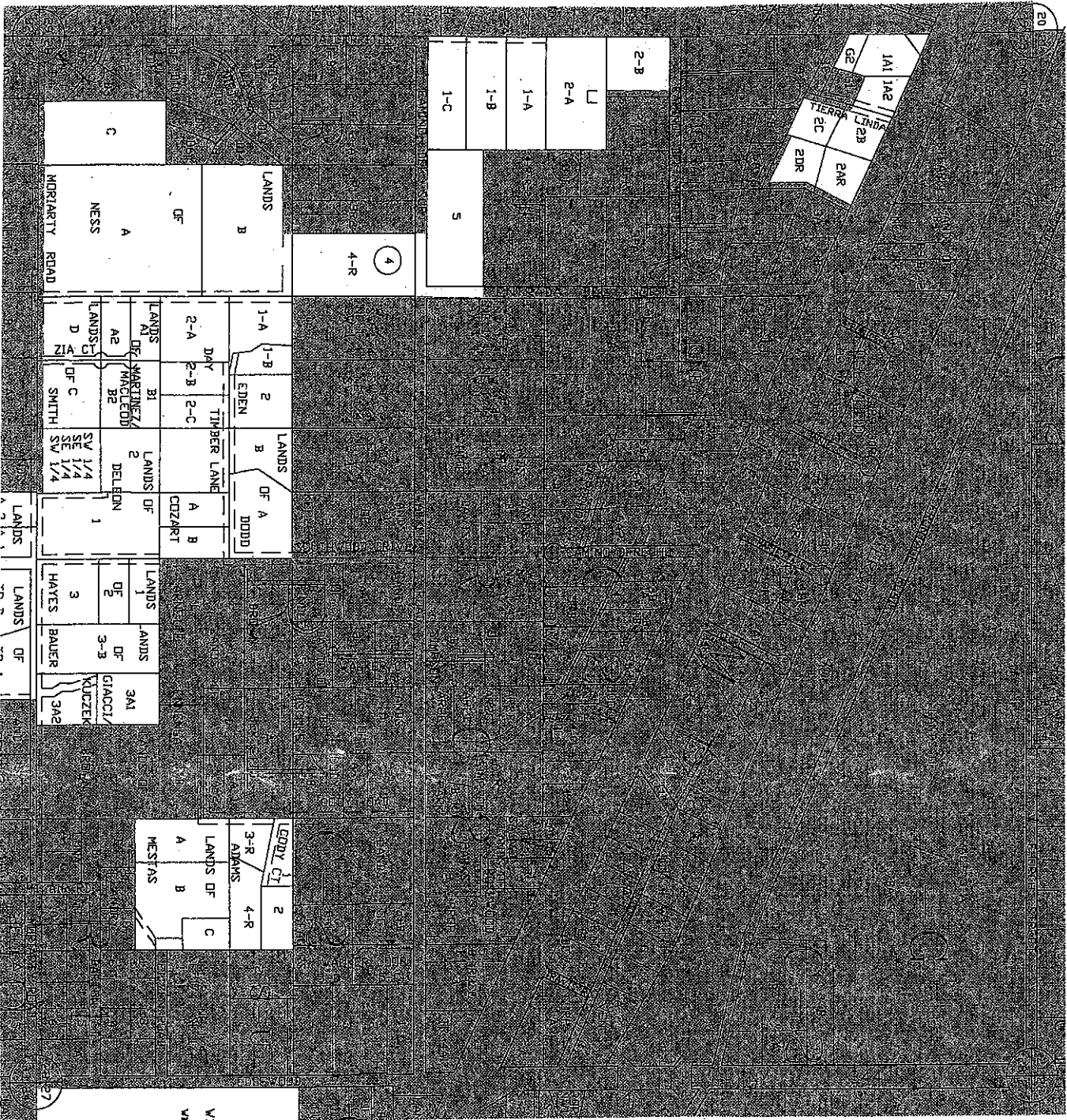
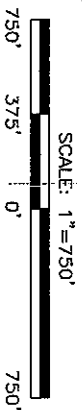
The Purchase Agreement referred to above is incorporated by reference into this Addendum.

Buyer Signature	Date	Time
<i>George L. Seltzer</i>	7/13/15	10:20 AM
Buyer Signature	Date	Time
<i>W.F. Rachela Gesotman</i>	7/15/15	12:25 PM
Seller Signature	Date	Time

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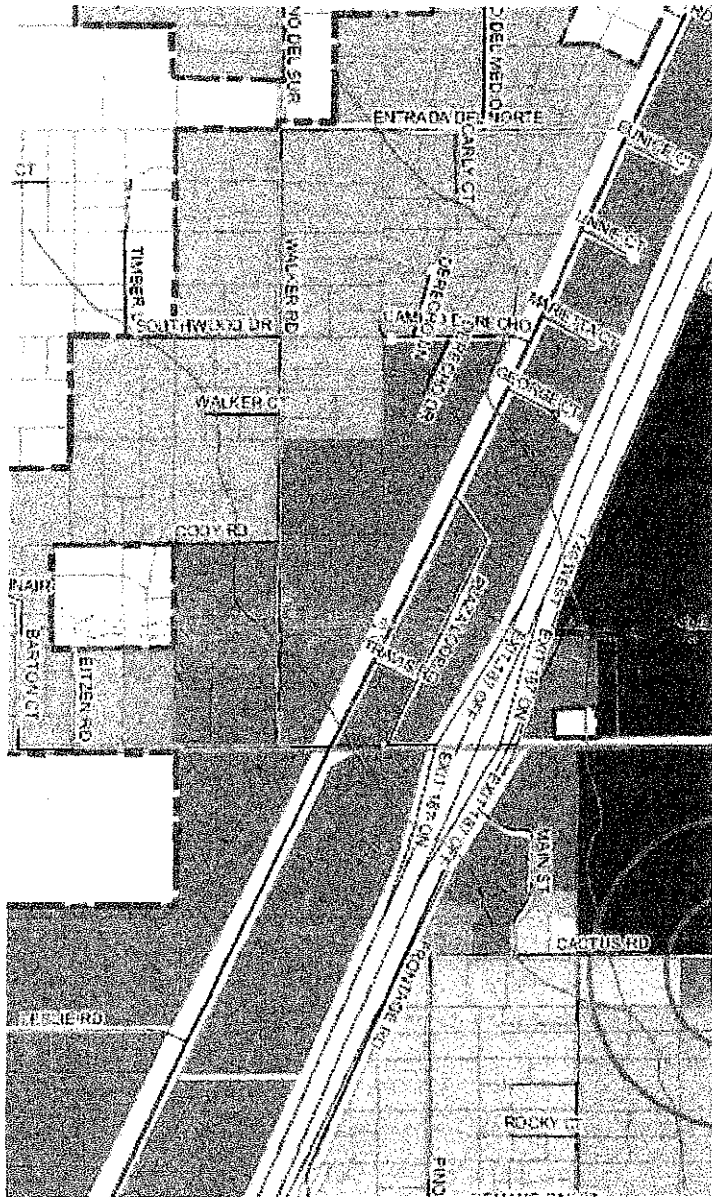
E

COPYRIGHT
ALL RIGHTS RESERVED
ODEN & ASSOCIATES, INC.



LEGAL DESCRIPTION
T 10 N
R 7 E
SEC 28
UNIFORM PROPERTY CODE
1039056
MAP AMENDED THROUGH
JANUARY 1, 2013
L 39

RED : C-2
 YELLOW : R-1
 GREEN : AG





Santa Fe County Assessor's Office

(<http://www.santafecountynm.gov/assessor>)

SELECT**ENTER****SEARCH**Parcel Number **SEARCH****TYPE:****VALUE:**

PROPERTY INFORMATION

Parcel Number: 99001243**UPC:** 1039056275389000000**Physical Address:**

6 MARIETTA CT

EDGEWOOD, NM 87015

Owner Name:

WASHINGTON FEDERAL

Owner Mailing Address:

425 PIKE ST

SEATTLE, WA 98101

TCA (Tax Code

8TIN

Area):**Section Township**

S28 T10N R7E

Range:**Legal Description:**

LOT 19R EDGEWOOD PLAZA .960 AC T10N R 7E S28

Neighborhood: (for Assessor's use only)

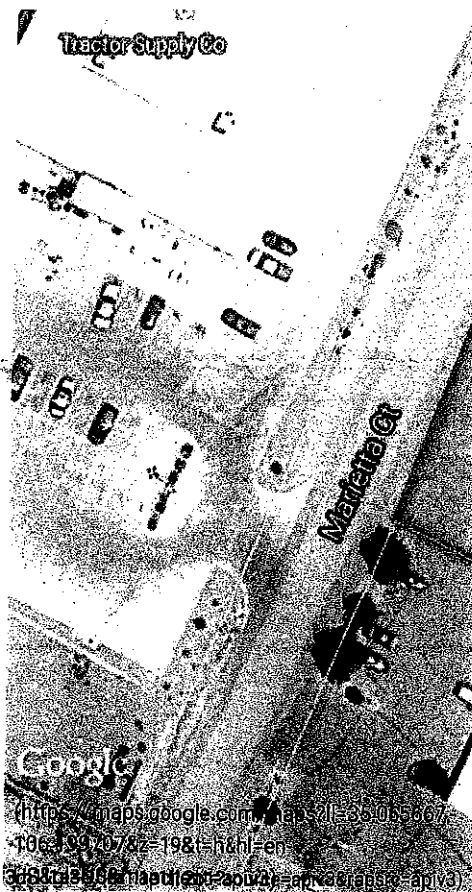
Cnty NR Undetermined (5220000)

Assessed Value:

See Notice of Value on Document Manager Page

(<http://assrdocs.santafecountynm.gov/AXPortal>)**Property Class:**

VAC





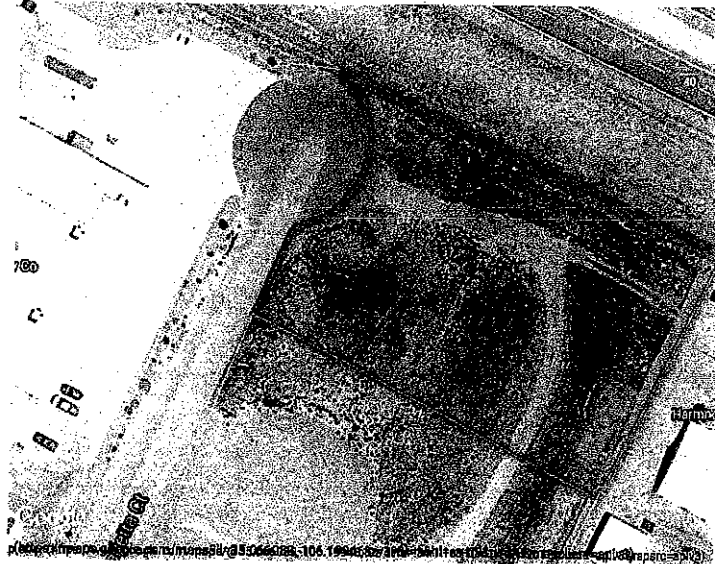
*Santa Fe County
Assessor's Office*

(<http://www.santafecountynm.gov/assessor>)

SELECT SEARCH TYPE: ENTER SEARCH VALUE:

PROPERTY INFORMATION

Parcel Number: 99001242
 UPC: 1039056283404000000
 Physical Address:
 8 MARIETTA CT
 EDGEWOOD, NM 87015
 Owner Name:
 WASHINGTON FEDERAL
 Owner Mailing Address:
 425 PIKE ST
 SEATTLE, WA 98101
 TCA (Tax Code Area): 8TIN
 Section Township Range: S28 T10N R7E
 Legal Description:
 .94 AC LOT 18R EDGEWOOD PLAZA T10N R 7E S28
 Neighborhood: (for Assessor's use only)
 Crty NR Undetermined (5220000)
 Assessed Value:
 See Notice of Value on Document Manager Page
 (<http://assrdocs.santafecountynm.gov/AXPortal>)
 Property Class: VAC



If you are the owner of the property being researched and you believe there is a significant discrepancy in any of the information being shown, please click here to complete a Property Correction Form. ([http://www.santafecountynm.gov/media/files/Property Corrections.pdf](http://www.santafecountynm.gov/media/files/Property%20Corrections.pdf)) Submission instructions are available on the form.

Data display on this page is current as of Monday, July 20, 2015.

LAND DETAIL

Extension	Line	Type	Square Footage	Acreage
1	1	Commercial	40946	0.93999

PRIMARY STRUCTURES DETAIL

Extension	ID	Type	Square Footage	Year Built	Bedrooms	Full Baths	Half Baths
No records found							

ADDITIONAL STRUCTURES DETAIL

Extension	ID	Type	Square Footage	Year Built
No records found				

Chat - ?

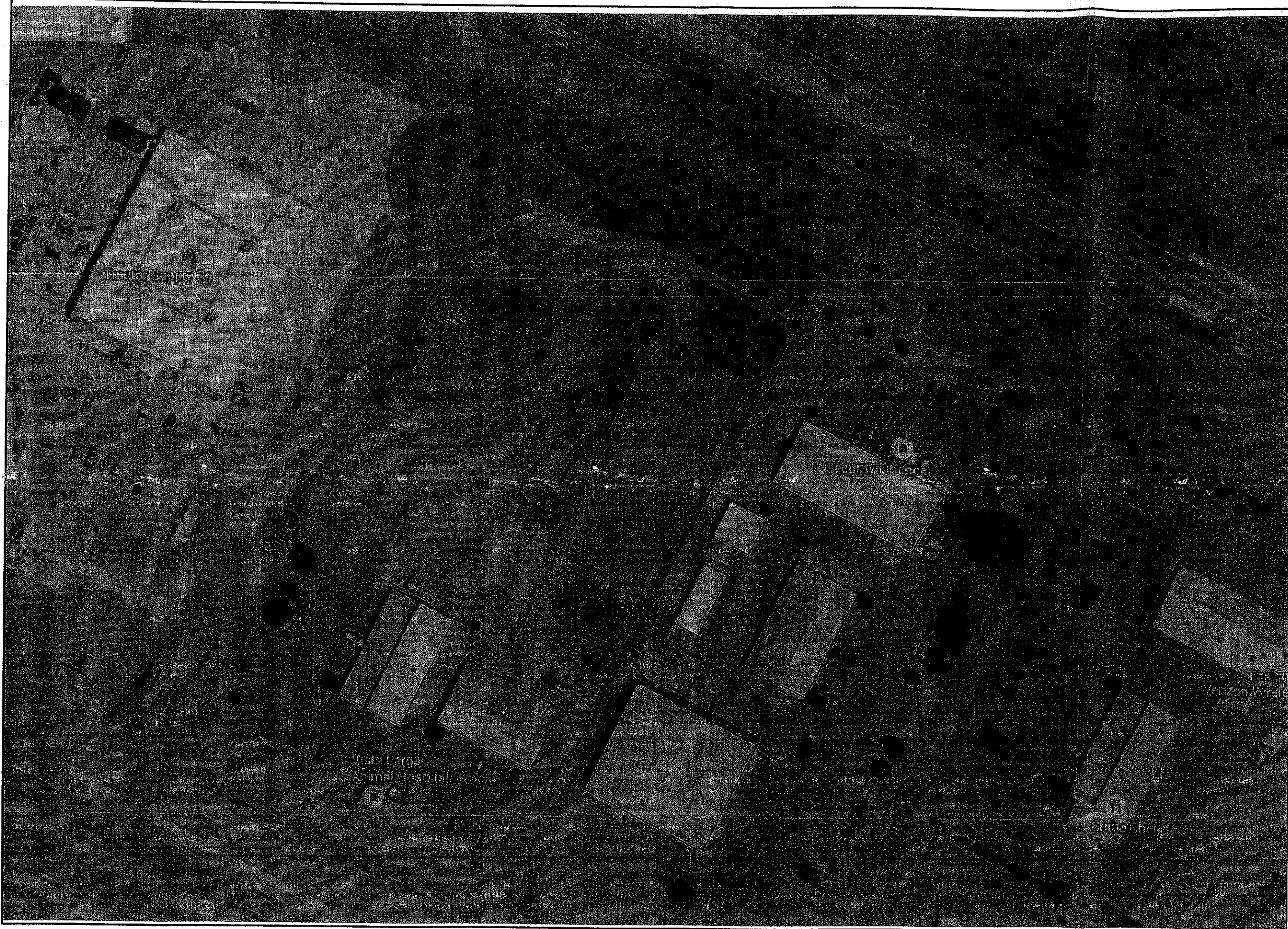
Assessor Staff

18:28

May we assist you?

Type here and press enter..

© tawk.to

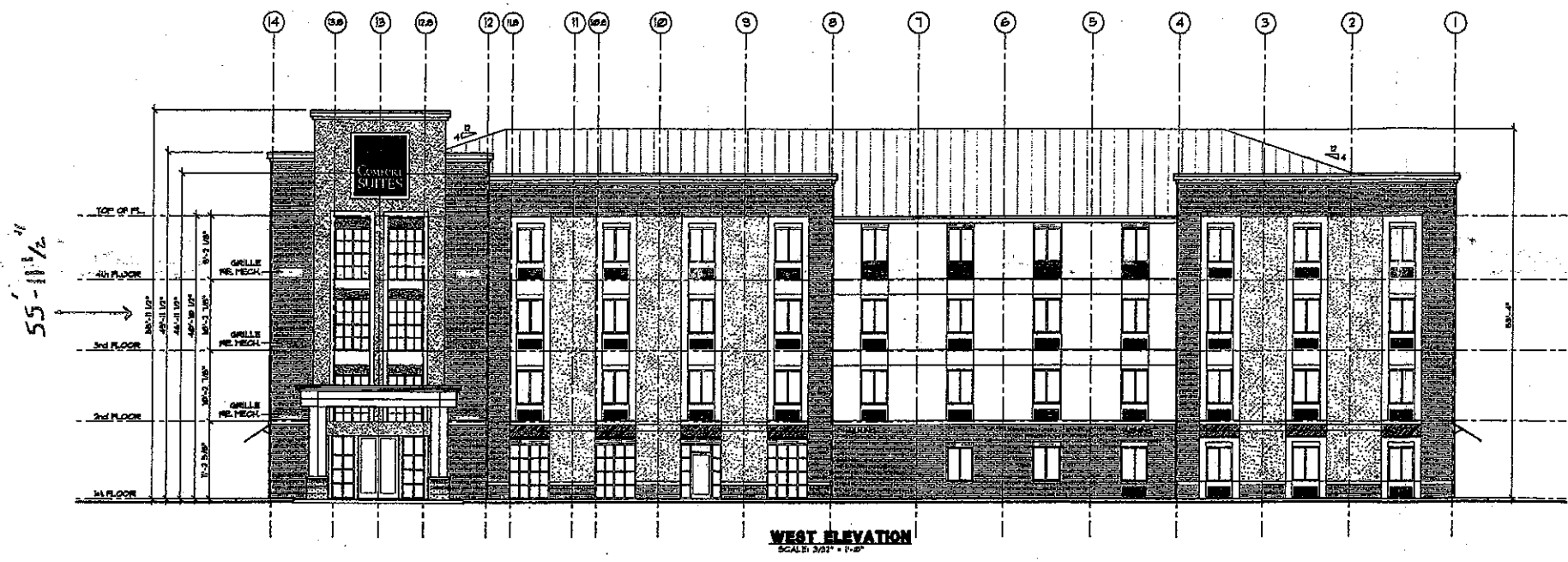


NEW 72 RM COMFORT INN & SUITES FOR :
SCOTT MCCALL
WEST OF * 1979 HWY 66 *
EDGEWOOD, NEW MEXICO 87015

REVISIONS
PROPOSED
DATE: 07-23-15
DRAWN: PROJECT NO.:
PL/PS
TITLE:
SITE PLAN
DWG FILE: Stedung
SHEET NO.:

AS-1

ASSOCIATED
P.O. BOX 88084
DENVER, COLORADO 80238
ARCHITECTS
PHONE: (303) 641-5983
FAX: (303) 641-5018
EMAIL: AA@ASSOCIATEDARCHITECTS.NET



NEW 72 RM COMFORT SUITES FOR :
SCOTT MCGALL
 WEST OF • 1979 HWY 66 •
 EDGEWOOD, NEW MEXICO 87015

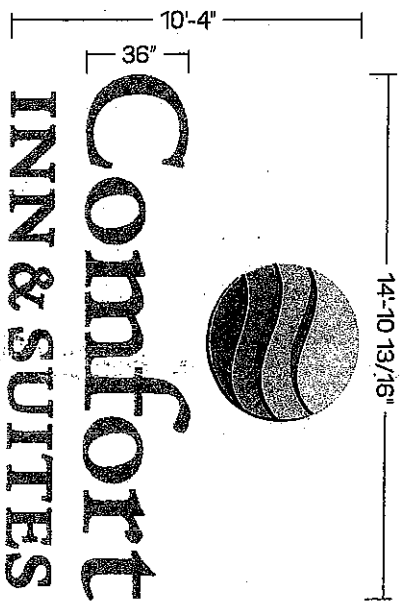
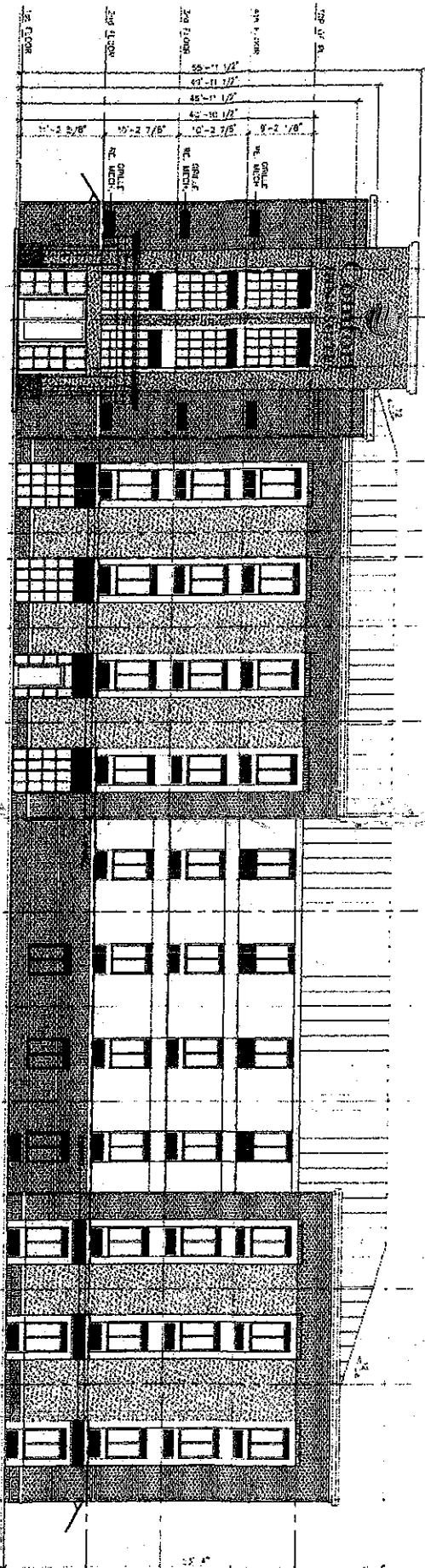
REVISIONS	
PROPOSED	
DATE:	01-23-15
DRAWN:	FLUP
PROJECT NO.:	
TITLE:	ELEVATIONS
DWG FILE:	150222-Elev
SHEET NO.:	

A3.1

ASSOCIATED ARCHITECTS
 P.O. BOX 33034
 DENVER, COLORADO 80233
 PHONE: (303) 641-5553
 FAX: (303) 641-5019
 EMAIL: AA@ASSOCIATEDARCHITECTS.NET

WEST ELEVATION

SCALE: 3/64" = 1'-0"



GRAPHIC DETAIL
SCALE: 3/16" = 1'-0"

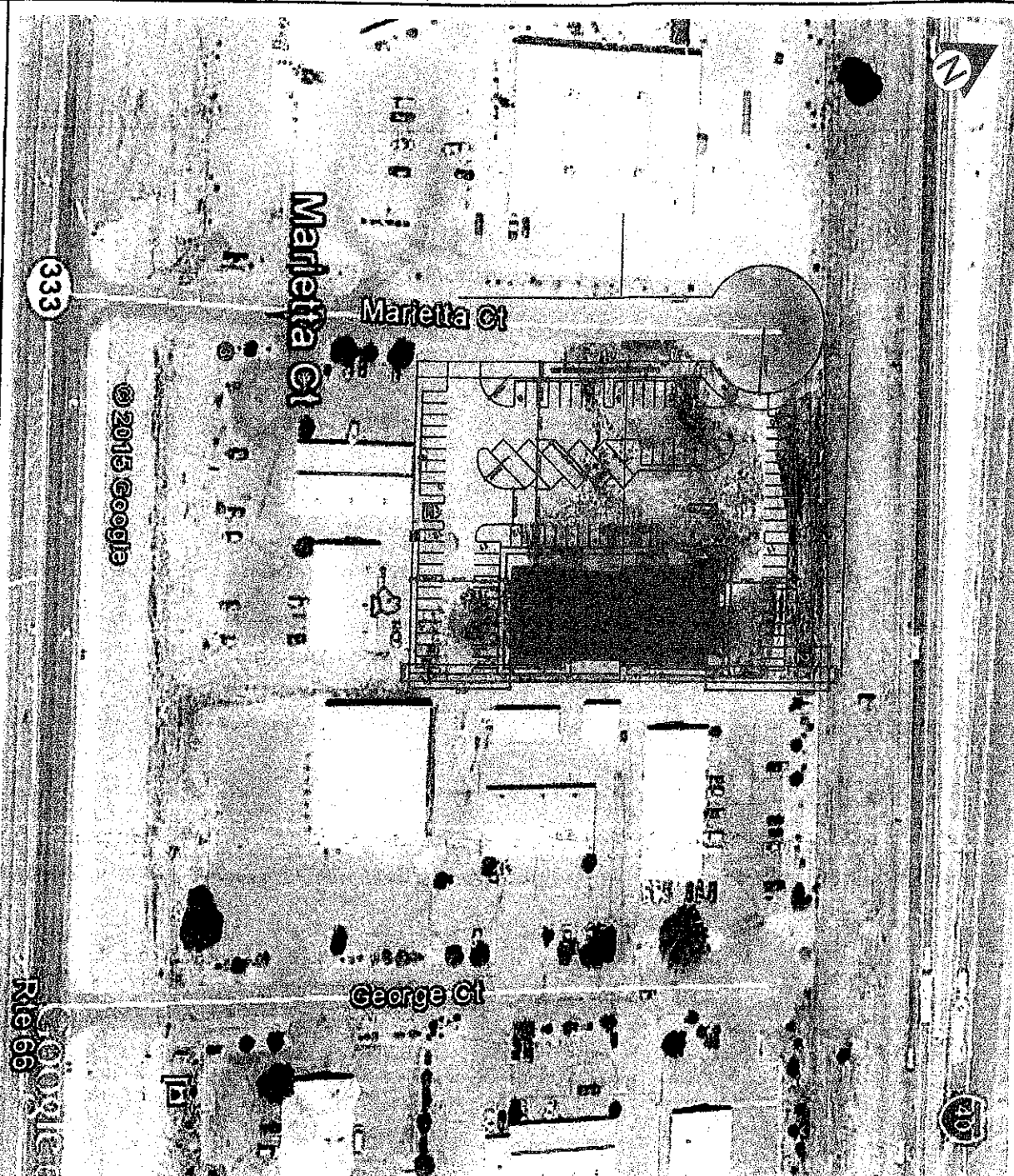
NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: COMFORT INN & SUITES	Date: 8/11/15	Prepared By: CM	<small>Note: Color images require the use of a color printer or a color copier. All colors used are the property of the client. Please refer to the color chart for the correct color. This is not a color reproduction of the original drawing.</small>	persona <small>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Westtown, SD 57201-0210 1.800.243.9888 • www.personasigns.com</small>
Location: EDGEWOOD, NM	File Name: 139501 - EDGEWOOD, NM - SIGN PACKAGE	Eng:		

COMFORT INN & SUITES EDGEWOOD, NM

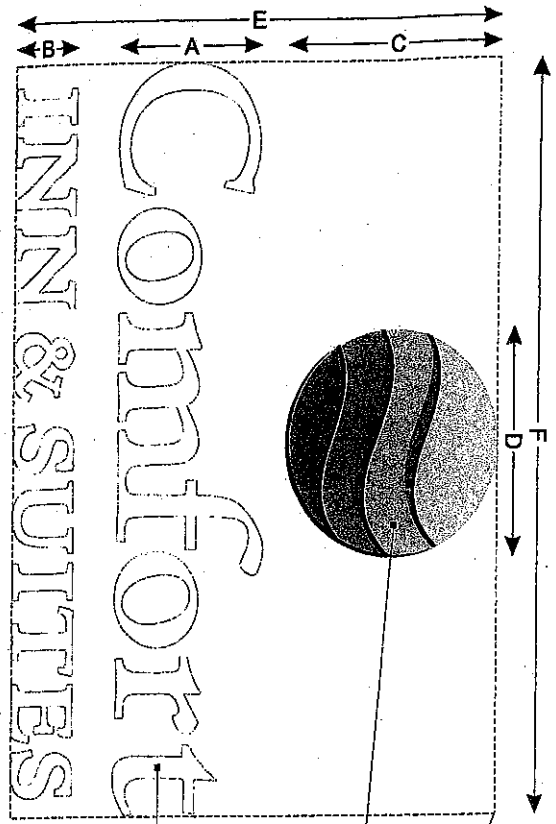
PROPOSED SIGNS

- 36" CHANNEL LETTERS, 3-LINE STACKED LAYOUT
- 16'3" X 15' DF AT 70' OAH
- 10'4" X 9'6" DF AT 30' OAH (OFF-PREMISE)



NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:	COMFORT INN & SUITES	Date:	8/11/15	Prepared By:	CM	Note: Customer may not be used when reviewing pricing this drawing. All dimensions are to the center of the sign unless otherwise noted. Please provide the correct finish and a reference to the drawing will be made.
Location:	EDGEWOOD, NM	File Name:	139501 - EDGEWOOD, NM - SIGN PACKAGE	Eng:		



BOXED SQ. FT.

3/16" 2447 WHITE ACRYLIC W/ 1ST SURFACE VINYL DECO:

3630-8207 BLUE - LOGO DIVISIONS

3630-4353 YELLOW - TOP LOGO BAR

3630-3591 LT ORANGE - 2ND LOGO BAR

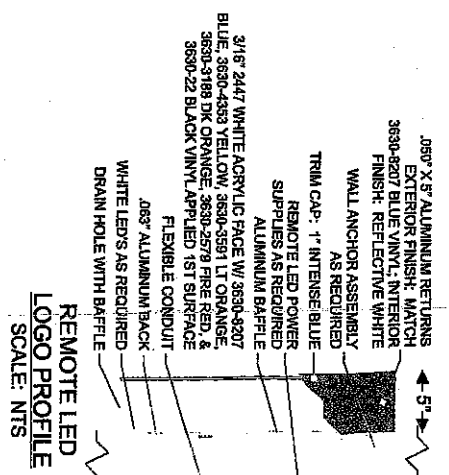
3630-3188 DK ORANGE - 3RD LOGO BAR

3630-2579 FIRE RED - BOTTOM LOGO BAR

3630-22 BLACK - DROP SHADOWS

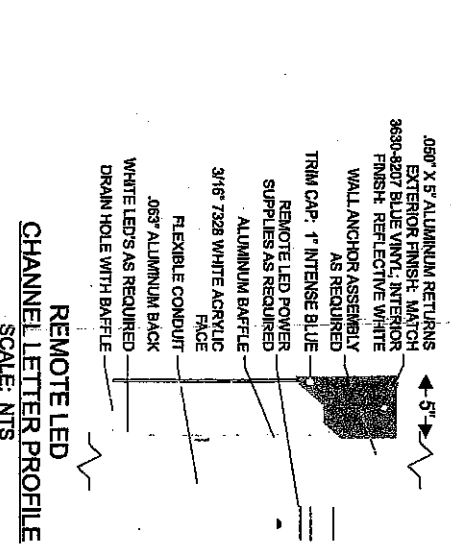
3/16" 7328 WHITE ACRYLIC

GRAPHIC DETAIL
NOT TO SCALE



COMFORT INN & SUITES STACKED REMOTE LED CHANNEL LETTER SPECIFICATIONS (WHITE OPTION)

LETTER "C" HEIGHT	LETTER "I" HEIGHT	LOGO HEIGHT	LOGO LENGTH	OVERALL HEIGHT	OVERALL LENGTH	AMP LOAD	BOXED SQUARE FOOTAGE	ACTUAL SQUARE FOOTAGE
A	B	C	D	E	F			
24"	10 5/8"	3'-0"	3'-0"	6'-10 5/8"	9'-11 3/16"	2.02	68.41	16.13
30"	13 1/4"	3'-9"	3'-9"	8'-7 5/16"	12'-4 15/16"	2.55	106.89	25.20
36"	15 15/16"	4'-6"	4'-6"	10'-3 15/16"	14'-10 3/4"	3.72	153.92	36.29
48"	21 3/16"	6'-0"	6'-0"	13'-9 5/16"	19'-10 3/8"	6.27	273.63	64.51



NOTES:

ELECTRICAL: 120 VOLT
U.L. APPROVED

NOTE: 4'-6" & 6'-0" LOGOS
TO USE 3/4" ROUTED
RETAINERS

Customer: **COMFORT INN & SUITES**

Date: **05/24/11**

Prepared By: **RA**

Item Number: **COMIS-2447LETRBL-F-57
COMIS-3630LETRBL-F-57
COMIS-3630LETRBL-F-57
COMIS-4801LETRBL-F-57**

File Name: **COMIS WHITE STACKED REMOTE LED CHANNEL LETTERS**

Note: Order output may not be exact when viewing on printing the drawing. All colors used are PMS or the closest CMYK equivalent. Please refer to the color chart for the correct PMS match and a reference to the drawing will be made.

Revision:

SCALE: 1/16" = 1'-0"

COMFORT INN & SUITE

Item Number: COMIS-16X15DFHDDP3Prc.s

Date: _____

05/29/15

Prepared By:

RA/RS

Note: Only output may not be exact when loading or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are inaccurate, please provide the correct PMS match and a revision to this drawing will be made.

10

COMIS 16 X 15 DOUBLE FACE HID DIGITAL

Revision:

persons
SIGNS | LIGHTING | INTERIORS

SIGNS | LIGHTING | IMAGE

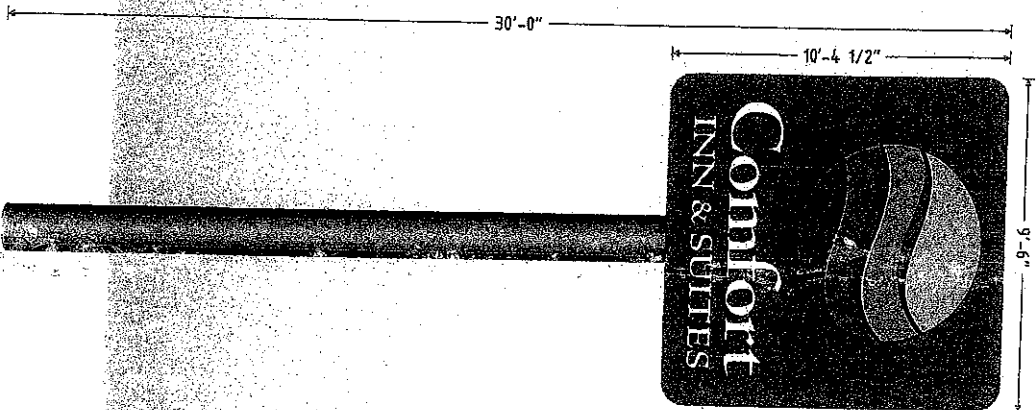
DISTRIBUTED BY SIGN UP COMPANY

700:21st Street Southwest
DD Bldg: 340

Waterford, SD 57201-7240

五

2-4



ELEVATION
SCALE: 3/16" = 1'-0"

Customer: COMFORT INN & SUITES		Date: 05/14/15	Prepared By: RA/RG	<small>Note: Our outputting/plotting process when using a printing file, always use the PMS or the latest CMYK equivalent. If these methods are ignored, the color and PMS may not have a problem in the printing and the color.</small>
Item Number: COMIS-10X9DFFDISIGN-S	File Name: COMIS 10 X 9 DOUBLE FACE DIGITAL	Revision: 4		
persöna SIGNS LIGHTING IMAGE <small>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 270 Watertown, SD 57201-0270 1.800.848.9888 • www.personasigns.com</small>				

**TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION
STAFF REPORT: Exhibit M**

SUBJECT : ITEM 2015-01 V
APPLICANT : Scott McCall

REQUESTED ACTION

The applicant is seeking variances from the Town of Edgewood Zoning Ordinance 2014-02, as amended February 4, 2015 and the Town of Edgewood Sign Ordinance 2009-02.

Building Variances Requested:

Variances requested from the Zoning Ordinance are for Building Height and Rear Setback requirements under the Section 22. C-2 Commercial Business Zone section of the ordinance.

The applicant is requesting a variance for the height of the building. Section 22. D. 4. requires that the "Maximum Building Height shall be thirty-six (36) feet." The applicant is requesting a variance for a building that would not exceed sixty (60) feet at its highest point. The highest point on the building elevation drawing of the front of the building is fifty-five (55) feet eleven and one half (11-1/2) inches.

The applicant is also requesting a variance for the rear setback of the building. Section 22. D. 2. b. requires that the "Rear Setback shall be no less than fifteen (15) feet; and...". The applicant is requesting a variance in which the building would have a Rear Setback of between twelve (12) and thirteen (13) feet. See Site Plan.

Sign Variances Requested:

Variances requested under the Sign Ordinance are for the erection and display of 2 of 3 signs requested by the applicant.

A non-specific variance is requested to allow placement of two (2) freestanding Pylon signs, one on the subject property, and one close to the entrance of the cul-de-sac (Marietta Court) on which the subject property is located. Section 4. C. states that; "Freestanding signs shall be limited to one (1) ..." sign.

The specific variances requested from the Sign Ordinance for Pylon Sign #2 are for Sign Height and the Size of the Sign Face. Section 4. C. states that; "... the area of any freestanding sign shall not exceed one hundred (140) square feet per sign face and height above grade thirty-six (36) feet." (It is staff's understanding that the author(s) of the Ordinance intended to write "... the area of any freestanding sign shall not exceed one hundred and forty (140) square feet per

APPLICABLE REGULATIONS

Zoning Ordinance 2014-02, as amended February 4, 2015

Sign Ordinance 2009-02

NOTIFICATION

Public Hearing notification printed in the Sunday Albuquerque Journal was requested on September 2, 2015, and printed on September 6, 2015. In addition; a Public Hearing notification printed in the Independent was requested on September 8, 2015, and printed on September 9, 2015. Thirteen (13) property owners within 500 feet of the subject property were mailed letters with attachments noticing the Public Hearing; Public Hearing Notices were posted at the six (6) Town of Edgewood public posting locations, two (2) yellow notice signs were posted on the property proper, and one (1) sign was posted outside the Route 66 easement on September 3, 2015.

LOCATION

Subject properties are located at:

6 Marietta Court, Edgewood, NM 87015

Lot 19R, Edgewood Plaza Subdivision located in Section 28, Township 10 North, Range 7 East, Edgewood, Santa Fe County, New Mexico
(.960 Acres)

8 Marietta Court, Edgewood, NM 87015

Lot 18R, Edgewood Plaza Subdivision located in Section 28, Township 10 North, Range 7 East, Edgewood, Santa Fe County, New Mexico
(.940 acres)

BACKGROUND

The applicant submitted an initial draft application for Variances from the regulations contained in the Town of Edgewood Zoning Ordinance 2014-02, as amended February 4, 2015 and the Town of Edgewood Sign Ordinance 2009-02 in late July of 2015. A final application was signed on August 11, 2015. Numerous meetings concerning the application were conducted between staff and the applicant concerning Ordinance requirements. It was determined by staff that variances would be required for both the building and associated signage.

Staff provided notice of a Town of Edgewood Planning and Zoning Commission Public Hearing to be held on August 18, 2015. Staff compiled and reviewed the application, and issued packet material to Commissioners, and posted the information on the town website on August 13, 2015. At this time, staff disclosed that at least one property owner within five-hundred (500) feet of the subject property was not notified properly. Commissioners approved the variances at that meeting, but no Finding of Fact and Conclusion of Law was approved.

- 4) The applicant stated that variances for signage for the project were necessary for the economic viability of the project, and for customers to find the site without passing the one (1) Town of Edgewood Interstate 40 exit.
- 5) It is the opinion of staff that this project and the associated variances:
 - a) are consistent with the general intent and purposes of the Zoning and Sign Ordinances; and
 - b) are consistent with the initiatives listed in the Comprehensive Land Use Plan for the Town of Edgewood, Section V, Action Plans Recommended, 17) Economic Development Strategies, on Page 74; and
 - c) are not detrimental to the general public welfare; and
 - d) where, owing to the ordinance, a literal enforcement of the Zoning and Sign Ordinances may possibly result in the in the project not being built; and
 - e) special circumstances apply to this project due to type of project being proposed; and
 - f) a variance to the Sign Ordinance will not impair the utility or value of the adjacent properties, the general welfare of the public, or impair the integrity and character of the zoning district.

STAFF RECOMMENDATION

It is the opinion of staff that the project is eligible to receive the variances requested.

Staff recommends approval of the variances proposed by the applicant.

Staff will ensure that requirements of Town Ordinances are met during the development review of the project, and that any variances approved by the Commission are adhered to by the applicant. Staff will also work with both the applicant and Santa Fe County Fire Department to ensure that any Fire Department concerns are addressed.

Future development of the lots is required to meet the provisions of the following Town of Edgewood Ordinances:

- Fire and Rescue Impact Fees 2004-09
- Grading & Drainage 2001-01, as amended 11/04/10
- Landscaping Ordinance 2000-25
- Sign Ordinance 2009-02
- Sub-Division Ordinance 2014-03
- Uniform Fire Code 1999-T
- Zoning Ordinance 2014-02, as amended February 4, 2015

Marietta Ct



Imagery ©2015 Google, Map data ©2015 Google 50 ft

07-1

COMFORT INNSM

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We've reimagined, redesigned and redefined the entire Comfort Inn brand to make it stronger and more inviting. Now with our "Truly Yours" new prototype, our flagship midscale brand offers a whole new level of accommodations that will enhance guest loyalty and contribute to a return on investment.

Our stunning redesign caters to the three key stages of the guest experience. Our warm exterior and lobby send immediate visual cues that guests can **RELAX**, confident they're in for a wonderful, worry-free stay. Our new guest rooms are tranquil retreats in which guests can kick back and **RESTORE**. In the morning, guests **RENEW** for the day ahead in our enhanced breakfast area.

0121

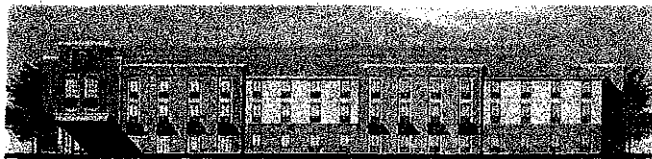
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ELEVATION



ALTERNATE COLOR OPTIONS



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Albuquerque, New Mexico 87112
Office (505) 296-3434 Fax (505) 296-9113

August 11, 2015

Steve Shepherd
Town of Edgewood
Edgewood, New Mexico 87015

Dear Mr. Shepherd:

We received your "Notice of Variance" for #6 & #8 Marietta Court. I would like to inform you that I have been made aware of the proposed construction project of the Comfort Inn and Suites that is adjacent to my three commercial properties and I am in complete support. It is my understanding that the proposed construction will be a four story property and will need a 70' sign along I-40 as well as a 30' sign at the corner of Marietta Court and Route 66 (NM333). I believe the first class property that is being proposed will only add value to my properties and will help support the other surrounding business to be more successful. I understand the proposal to change the east property set back from 15' to 5' is acceptable to me as the adjacent property owner.

In summary, I am in support of this project and the request for the signs and height variance that is being proposed. I strongly recommend the Town move forward with these requests.

Sincerely,



Howard McCall
Presiding Officer
Express Development

COMPREHENSIVE LAND USE PLAN
for the
TOWN OF EDGEWOOD, NEW MEXICO

Adopted by Town Council
February 6, 2008

This document was prepared by the Mid-Region Council of Governments staff through the Small Cities Community Development Block Grant Program, and funded in part by the Local Government Division of the New Mexico Department of Finance and Administration in cooperation with the U.S. Department of Housing and Urban Development.

MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO
809 COPPER NW, ALBUQUERQUE, NEW MEXICO 87102

enjoyment of present and future generations, and the conservation and sustainability of public lands that support these recreation activities.

Because of the relatively high costs of constructing and maintaining recreational facilities, a parks and recreation plan is predominantly a capital improvements program; and as such, should include the estimated capital and operational costs for each proposed facility. Having an adopted master plan for parks and recreation can provide a basis for potential joint powers agreements with county governments and Public School Districts to enable shared use of recreation and education facilities in order to reduce costs. Furthermore, developing a truly regional network of trails with linkages to public open spaces requires a coordinated effort among local, county, state and federal governmental agencies, with private entities

A master plan for parks and recreation must be sensitive to the changing characteristics and interests of the residents, and consequently should be supported by periodic opinion and preference surveys of residents. Also, the number and size of facilities for recreational activities can be determined by referencing national standards. For example, the number of tennis courts, athletic fields, or miles of equestrian trails is often based on the size of the population served. All of the planning studies that contribute to the parks and recreation program can be compiled, evaluated, and summarized in the master plan document.

Economic Development Strategies

- 17) **An economic development program should be developed and articulated by the Town government to ensure that adequate revenues are generated to support municipal services and facilities.**

Establishing a strong economy and a healthy business climate in the Town of Edgewood is crucial to the local government in order to maintain an effective level of operations and provide facilities and services for the community. This recommendation suggests the preparation and adoption of an economic development plan for the Town. Ideally, an economic development plan evaluates and identifies specific strategies and programs to ensure a sustainable local economy. Some particular economic development initiatives previously determined for the Town of Edgewood include:

- targeting and recruiting new employers to locate in Edgewood, with an emphasis on serving local needs and securing higher wage jobs;
- administering regulatory ordinances that are flexible enough to provide practical incentives to retain existing businesses as well as attract new commercial and business enterprise;
- attracting and supporting regional broadband (i.e., internet cable,

**Minutes of the August 18, 2015 Meeting
And Proof of Publication**

PROOF OF PUBLICATION

Newspaper: The Independent

Date of Publication: August 5 - August 11, 2015, Vol. 17 No. 31

I, Rebecca Sanchez, employee of the Town of Edgewood, do hereby certify that this is a true copy of a published newspaper notice.

Rebecca Sanchez

Signature

Miller

The Independent
Aug. 5 - 11, 2015

legal notices

NOTICE OF PUBLIC HEARING

The Planning & Zoning Commission for the Town of Edgewood has scheduled a Public Hearing during its regular Commission meeting of August 18, 2015 @ 6:00 PM @ the Edgewood Community Center, 427 E. Frontage Road for review and approval of:

legal notices

A. Consideration of a Variance request for Zoning Ordinance 2014-02 for setbacks and building height at #6 & #8 Marietta Court.

B. Consideration of a Variance request from Sign Ordinance 2009-02 for height, number, size and type of signs for #6 & #8 Marietta Court.

legal notices

During the Meeting, citizens will be given the opportunity to comment. The Governing Body will also accept written comments if received by 5:00 p.m. August 14, 2015. Please send comments to: Town of Edgewood, P.O. Box 3610, Edgewood, NM 87015. If you have any questions, please call (505) 286-4518.

**MINUTES
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
AUGUST 18, 2015 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

1. CALL TO ORDER & ROLL CALL.

Madame Chair McGill called the meeting to order at 6:00 pm and asked for Roll Call. Commissioners present were: Dan Thompson, Pat Markley and Brad Gabel. Commissioners not present were: Leonard Navarre. Also present were: Steve Shepherd, Town Administrator, Attorney Bob White, and Bonnie Pettee, Planning Assistant.

2. APPROVAL OF AGENDA.

Commissioner Gabel questioned the sequence of the Call for Public Hearing that took place at the last meeting. He thought there was an extra step, being a discussion prior to the Call for Public Hearing.

Steve Shepherd explained a "call for Public Hearing" is really not required for a variance and there was no documentation dispersed.

Attorney White agreed with Mr. Shepherd that it was necessarily required. Public Notices were sent out to the property owners and the meeting notices was posted as required.

MOTION: Commissioner Gabel made a motion to approve the agenda for tonight's meeting. Commissioner Markley seconded the motion.

VOTE: Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Gabel voted aye. Madame Chair Mc Gill voted aye. The motion carried.

3. APPROVAL OF MINUTES.

A. Draft Planning & Zoning Commission Meeting Minutes of July 7, 2015.

MOTION: Commissioner Thompson made a motion to approve the minutes of the July 7, 2015 meeting. Commissioner Gabel seconded the motion.

VOTE: Commissioner Thompson voted aye. Commissioner Markley abstained, due to his absence at the meeting. Commissioner Gabel voted aye. Madame Chair Mc Gill voted aye. The motion carried

B. Draft Special Planning & Zoning Commission Meeting Minutes of July 30, 2015.

MOTION: Commissioner Markley made a motion to approve the minutes of the July 30, 2015 meeting. Commissioner Thompson seconded the motion.

VOTE: Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Gabel abstained, due to his absence at the meeting. Madame Chair Mc Gill voted aye. The motion carried.

4. PUBLIC COMMENT: (Limited to 2 minutes per person)

Mr. John Bassett stated he had a problem with the notice of the Public Hearing. He owns property on the north side of I-40 across from the subject property. He did not receive a letter of Notice of the Public Hearing for the variance. Since the Early Neighborhood Notification and Recognition Ordinance N. 2006-2 was not followed correctly, the Public Hearing should be deferred until the proper notifications are complete.

Steve Shepherd stated that his property was within the 500' radius. Madame Chair McGill replied staff will check this out.

5. PUBLIC HEARING.

Legislative Procedure: Certification that public notice of this meeting has been posted as required.

Madame Chair McGill explained the Legislature procedure for this Public Hearing and asked if the Public Notice had been posted as required.

Steve Shepherd certified that it had.

Madame Chair McGill stated that she had received a call from the applicant regarding the proposed project. She relayed to the applicant she could not discuss this with him and referred him to Mr. Shepherd.

Commissioner Gabel confirmed that he had no ex parte communication or conflicts of interest.

Commissioner Thompson confirmed that he had no ex parte communication or conflict of interest.

Commissioner Markley confirmed that he had no ex parte communication or conflict of interest.

Madame Chair McGill asked if anyone would protest her participation in the Hearing. There were no protests.

Scott McCall, Myra Pancrazio, John Bassett, and Steve Shepherd were sworn in.

- A. CONSIDERATION OF A VARIANCE REQUEST FROM ZONING ORDINANCE No. 2014-02 FOR SETBACKS AND BUILDING HEIGHT AT #6 MARIETTA COURT.
- B. CONSIDERATION OF A VARIANCE REQUEST FROM SIGN ORDINANCE NO. 2009-02 FOR HEIGHT, NUMBER, SIZE AND TYPE OF SIGNS FOR #6 & #8 MARIETTA COURT.

Steve Shepherd presented the Staff report. He explained the variances are requested for a proposed 72 room hotel. Variances requested are: height of the building to 60', rear setback to 12-13', and sign variances for 2 pylon signs, one being 70' tall, with 244.062 square feet in size along 1-40, and one similar to the Dollar Tree sign along Rt. 66. He added that the Subdivision Ordinance and Landscape Ordinance would be added to the Finding of Fact as provisions that may be required.

Commissioner Gabel inquired about the discussions with the Santa Fe County Fire Department with regards to the height of the structure.

Mr. Shepherd replied that the height was not an issue for them. They were concerned about being able to access the windows on the backside of the building.

Commissioner Markley asked if a traffic study would be necessary.

Mr. Shepherd replied that DOT makes that determination; currently there is an acceleration lane, a deceleration lane, and a turning lane already in existence.

Mr. Scott McCall addressed the Commissioner and staff. He noted his deep roots in the community; being born and raised here. He explained that a feasibility study was done here a few years ago to see if a hotel was viable. Due to the lack of a sewer system in Edgewood at that time, it was deemed not feasible. However, he continued, now Edgewood is ready and in need of a hotel. He described the proposed hotel as upscale, with the design & structure being a requirement of the Choice Hotels prototype, with amenities the consumer is looking for. He explained his need for the height variance of the sign due to only one exit from the interstate for Edgewood. If a traveler was to miss the exit, they would continue on to the next city to meet their needs.

Commissioner Gabel expressed his appreciation for a complete presentation by the applicant. He asked for clarification on the rear set back.

Mr. McCall replied the requirement is 15'; he is asking for 12' based on what the architect felt would be reasonable and still allow for suitable parking for large vehicles.

Madame Chair McGill opened the Public Hearing to those sworn in.

Myra Pancrazio addressed the Commissioners and Staff. She is the Executive Director of Estancia Valley Economic Development and working with the Town of Edgewood to bring businesses to the Town. She spoke in favor of the hotel project.

John Bassett inquired about the Staff Report asking for clarification on Santa Fe County Fire Department's position regarding what has been proposed.

Mr. McCall replied that he has hired an architect who has drawn 16 other hotels for the area. He has spoken to the Fire Marshall about the design of the building. The Fire Marshalls concern is the ability to evacuate the guests and extinguish the fire quickly. The design of the building includes a 150' fire hose at each end. He affirmed that he would have an agreement/approval from the Fire Marshall prior to any construction.

Mr. Bassett asked of Staff how this project fits in with the Comprehensive Plan.

Madame Chair McGill replied that this project falls within our Economic Development Strategies. She cited from the "plan" page 74, Item 17; "targeting and recruiting new employers to locate in Edgewood, with emphasis on serving local needs and securing higher wage jobs."

Mr. Bassett stated in the last sentence of the Staff Recommendation, the word "may" should be changed to "shall", since they are our Ordinances.

Madame Chair McGill stated the word will be changed.

Commissioner Thompson asked if the easement behind the building could include other properties.

Steve Shepherd replied that the land behind the proposed hotel has a significant slope and would not be possible for an easement.

Mr. Bassett stated that he owns property within 500' from the proposed project and did not receive a Notice of Variance. Without proper notice the meeting should be stopped and deferred to a later date after all property owners have been notified.

Mr. Shepherd replied he did not realize the north side of I-40 was within 500'.

Attorney White added that all signs were posted properly, as well as letter distributed the property & business owners on the south side of I-40 according to required procedures. Mr. Bassett was aware of the meeting; he attended and testified. So, not receiving a letter should not be a problem for him. Attorney White continued stating that the Ordinance states it is the responsibility of the applicant to notify the adjacent property owners. There is no time limit on notification letters, only that it contains day, time and place.

Public Hearing was closed and the Commission started deliberation. After a brief discussion, it was the consensus of the Commission to move forward with a motion.

MOTION: Commissioner Gabel made a motion to approve the application for variance pertaining to 6 & 8 Marietta Court, Edgewood, NM, Lot 18R & 19R, Edgewood Plaza Subdivision located in Section 28, Township 10 North, Range 7 East, Edgewood, Santa Fe County, NM under the Zoning Ordinance 2014-02:

- Approving a setback variance at the rear of the property to 12 feet subject to Santa Fe County Fire Department approval of a detailed development plan.
- Further, approve a building height variance not to exceed 60.
- Further to approve a variance under Sign Ordinance 2009-02, for pylon sign #2 providing for maximum height of 70 feet and face size of 244 square feet.
- Further, approval of a variance allowing placement of 2 pylon signs, per Sign Ordinance 2009-02, Section 4.C, with placement along the same frontage.
- No variance is required for sign #3 or the building sign #1.
- Future developments shall be subject to: Grading & Drainage 2012-01, Zoning Ordinance 2014-02, Fire & Rescue Impact Fees 2014-09, Uniform Fire Code, and Subdivision Ordinance 2014-03.

Commissioner Thompson seconded the motion.

VOTE: Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Gabel voted aye. Madame Chair Mc Gill voted aye. Motion carried.

6. FINDINGS OF FACT FOR MINOR SUBDIVISION PLAT.

11. ADJOURN.

MOTION:

Commissioner Markley made a motion to adjourn the meeting of August 18, 2015. Commissioner Thompson seconded the motion.

VOTE:

Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Gabel voted aye. Madame Chair Mc Gill voted aye. Motion carried.

Madame Chair McGill adjourned the meeting at 8:15 pm.

PASSED, APPROVED, and ADOPTED this 1st day of SEPTEMBER, 2015.


Kay McGill, Chairperson

ATTEST:


Leonard Navarre, Secretary

Minutes of the September 1, 2015 Meeting

**MINUTES
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
SEPTEMBER 1, 2015 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

1. CALL TO ORDER & ROLL CALL.

The meeting was called to order at 6:00 pm and Roll Call was taken.

Commissioners present were: Pat Markley, Dan Thompson, Leonard Navarre, and Brad Gabel. Commissioners not present were: Kay McGill. Others present were: Steve Shepherd, Attorney White, and Bonnie Pettee.

Vice Chairman Brad Gabel chaired the meeting.

2. APPROVAL OF AGENDA.

MOTION: Commissioner Markley made a motion to approve the agenda as presented.
Commissioner Navarre seconded the motion.

VOTE: Commissioner Markley voted aye. Commissioner Thompson voted aye.
Commissioner Navarre voted aye. Vice Chairman Gabel voted aye. The motion carried.

3. APPROVAL OF MINUTES.

A. Draft Planning & Zoning Commission Meeting Minutes of August 18, 2015.

Vice Chair Gabel noted a number of errors in the minutes of August 18, 2015

MOTION: Commissioner Thompson made a motion to approve the Minutes of the August 18, 2015 meeting with corrections. Commissioner Markley seconded the motion.

VOTE: Commissioner Markley voted aye. Commissioner Thompson voted aye.
Commissioner Navarre abstained as he was not at the meeting of August 18th.
Vice Chairman Gabel voted aye. The motion carried.

4. PUBLIC COMMENT: (Limited to 2 minutes per person)

Mr. John Bassett addressed the Commissioners and staff regarding a letter he had sent to them. He had not received a reply from anyone. He also inquired about conflicting statements in the written record of the meeting regarding whether there was a requirement to call for public hearing or not. Mr. Bassett suggested that for the next meeting the Commissioners go over the process and procedures and let the staff know what they want.

5. CONSIDERATION FOR ISSUES OF NOTICE IN VARIANCE REQUEST FOR #6 & 8 MARIETTA COURT.

Vice Chairman Gabel noted that during this discussion, they would not be rehearing the merits of the items discussed at the Public Hearing, only the process leading up to the

meeting. He added that the discussion may or may not lead up to Item #6 on the agenda, but that there needed to be a definite split between them.

Steve Shepherd explained that the noticing for the Public Hearing was imperfect, in that, not everyone was notified that should have been. He tried to re-notice the meeting and apologized for over stepping his bounds. Mr. Shepherd stated that the thing to focus on here is the imperfect noticing and how it will affect the Findings of Fact and whether the Public Hearing needs to be re heard.

Attorney White stated that, as Mr. Shepherd has pointed out, and as part of the discussion at the Public Hearing, one person, maybe others were not notified. This leaves the discussion to the Commissioners. He suggested three options for the Commissioners to consider.

- a. Not approve d the Findings of Fact and re- hear the request, with proper notification;
- b. Stand with their decision from last meeting, which could possibly set the stage for a "Collateral attack", which could happen as late as 6 months down the road.
- c. The Commissioners approved the variances knowing there were deficiencies, but not necessarily to the extent of them. This would provide grounds for appeal. If it were to be appealed, it would go to Council and would be heard as Do Novo and started over. Council's decision would not be based on anything discussed at the Planning & Zoning meeting.

Vice Chairman Gabel stated he would not like to delay this any longer than necessary for the applicant.

Commissioner Navarre asked if re-hearing would require re-application.

Attorney White replied no, just re-notification and continuing the hearing at later date.

Commissioner Markley commented that he felt the best solution was to deny the variance and let it go to Council.

Vice Chairman Gabel stated they could make a motion to disapprove the Findings of Fact, but was not sure on how to reverse their decision.

Attorney White explained that their previous decision is not final until the Findings of Fact & Conclusion of Law are approved. The Commission can keep their decision and deny the Findings based on the notice requirements not being met.

Vice Chairman Gabel recommended that the Commissioners continue this case until the next meeting and approve it then.

6. FINDINGS OF FACT FOR VARIANCE REQUEST FOR #6 & #8 MARIETTA COURT

A. 6 Marietta Court, Lot 19R, Edgewood Plaza Subdivision located in Section 28, Township 10 North, Range 7 East, Edgewood, Santa Fe County, New Mexico.

8 Marietta Court, Lot 18R, Edgewood Plaza Subdivision, located in Section 28, Township 10 North, Range 7 East, Edgewood, Santa Fe, County, New Mexico.

Vice Chairman Gabel noted two particular areas of concern, that being #2. Notification and #5 Conclusions of Law. No motion was cited into the Conclusions of Law. He felt the motion should have been added since there were several conditions listed.

Vice Chairman Gabel continued stating he was torn with the proceedings of the Public Hearing, testimony from Mr. Bassett, and Legal Counsel's noticing issues. He stated that he thought "noticing" was best effort.

Attorney White replied noticing is not best effort. It is mandatory and required. In discussion with the Administrator, he was unsure if more than one property owner within the 500 foot requirement was not notified. Attorney White continued stating that even if the one property owner did not receive an actual letter of notification, the fact that he knew about the meeting and appeared would negate the lack of notice to that property owner.

Vice Chairman Gabel asked if it had been determined if the noticing was a broader issue now. Mr. Shepherd confirmed that it was.

Vice Chairman Gabel explained the options available to the Commissioners were to defer the consideration of the Findings of Fact to September 15th, at which time a subsequent Public Hearing would be held, after proper notification. The second option is to deny the variance, changing our prior decision and allowing the case to go directly to appeal.

Mr. Shepherd stated that having a Public Hearing on September 15th would not give him enough time for noticing. A new hearing would require a Special meeting.

MOTION: Commissioner Markley made a motion to defer to a following Public Hearing, Case #2015-01V, Request for Variance at 6 & 8 Marietta Court so proper notice can be given and the Finding of Facts approved. Commissioner Thompson seconded the motion.

Commissioner Markley amended the motion to allow the Public Hearing to be heard at a Special Meeting, date to be determined.

Commissioner Thompson seconded the amendment to the motion.

VOTE: Commissioner Markley voted aye. Commissioner Thompson voted aye. Commissioner Navarre abstained. Vice Chairman Gabel voted aye. The motion carried.

Vice Chairman Gabel asked staff to notify the Commission of the nearest date possible to have the Special meeting.

Mr. Shepherd asked if the 22nd of September would work for all.

All of the Commissioners agreed that the Special Meeting could be held on the 22nd of September.

Attorney White recommended the Commission make another motion to reopen the request for Variance.

MOTION: Commissioner Markley made a motion to reopen the Public Hearing section for the Variance request, Case 2015-01V, 6 & 8 Marietta Court for Public Hearing on September 22, 2015.

Commissioner Thompson seconded the motion.

VOTE: Commissioner Markley voted aye. Commissioner Thompson voted aye. Commissioner Navarre voted aye. Vice Chairman Gabel voted aye. The motion carried.

7. OLD BUSINESS.

Mr. Shepherd reported that he had spoken to Penny Ellis-Green with Santa Fe County regarding Performance Based Setbacks. Santa Fe County does use the Performance Based Setback allowance for some commercial buildings, requiring smaller setbacks and landscaping between buildings.

Vice Chairman Gabel asked if she would be willing to attend our meeting and speak with us. Mr. Shepherd stated he would invite her.

Commissioner Markley inquired about the new Zoning Ordinance he was given this evening. Mr. Shepherd cited the changes in the ordinance; Section 14, B.2b. change made to language regarding dwelling units, 12 allowed instead of 4; and added Medical Office to the Permissive Uses.

8. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.

Vice Chairman Gabel suggested that as a future agenda item, the Commission could discuss motions and the content of what needs to be included. He added the importance of sharpening their skills by knowing what was required. He also noted that in the matter of processing applications it was important to consistently apply the matter of due process. With the new membership changes, he would like to take the time and learn the processes and try to avoid mistakes.

9. MATTERS FROM STAFF.

None

10. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.

Special Meeting on September 22, 2015

Vice Chairman Gabel asked if there was an update on the joint training. Mr. Shepherd replied not yet. He will check with Council again.

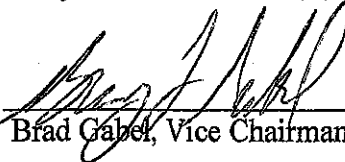
11. ADJOURN.

MOTION: Commissioner Navarre made a motion to adjourn tonight's meeting. Commissioner Markley seconded the motion.

VOTE: Commissioner Markley voted aye. Commissioner Thompson voted aye. Commissioner Navarre voted aye. Vice Chairman Gabel voted aye. The motion carried.

Vice Chairman Gabel adjourned the meeting of September 1, 2015 at 7:01 pm.

PASSED, APPROVED and ADOPTED this 22 day of SEPTEMBER, 2015.


Brad Gabel, Vice Chairman

ATTEST:


Leonard Navarre, Secretary

**Minutes of the September 22, 2015 Meeting,
Proof of Publication,
And Findings of Fact & Conclusions of Law**

NOTICE OF PUBLIC HEARING
The Planning & Zoning Commission for the Town of Edgewood has scheduled a Public Hearing during a Special Commission Meeting on September 2, 2015 at 6:00 P.M. at the Edgewood Community Center, 127 E. Florence Road, for review, approval, and submission of:
A. Consideration of a Variance to question Zoning Ordinance 2014-02-10, Setbacks, and Quoting Height at 16.3 ft. Bernalillo County.
B. Consideration of a Variance to question San Ordinance 2004-02 on height, number, size, and placement signs for 15 ft. Bernalillo County.
During the Meeting, citizens will be given the opportunity to comment. The Commission will also hear written comments received by 5:00 pm, September 18, 2015. Please send comments to Town of Edgewood, P.O. Box 2640, Edgewood, NM 87015. If you have any questions, please call (505) 286-4518.
Journal, September 6, 2015

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
County of Bernalillo SS

Linda MacEachen, being duly sworn, declares and says that she is Classified Advertising Manager of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times on the following dates:

September 6, 2015

Linda MacEachen

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 6 day of September of 2015.

PRICE \$22.28

Statement to come at end of month.

ACCOUNT NUMBER 1012213

CLA-22-A (R-1/93)



OFFICIAL SEAL
Sandra B. Gutierrez
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 7-18-17

Sandra B. Gutierrez

PROOF OF PUBLICATION

Newspaper: The Independent

Date of Publication: September 9-15, 2015, Vol. 17, No. 36

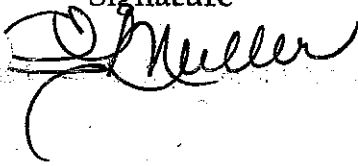
I, Rebecca Sanchez, employee of the Town of Edgewood, do hereby certify that this is a true copy of a published newspaper notice.



The Independent

4 • Sep. 9-15, 2015

Signature



NOTICE OF PUBLIC HEARING

The Planning & Zoning Commission for the Town of Edgewood has scheduled a Public Hearing during a Special Commission meeting on September 22, 2015 at 6:00 P.M. at the Edgewood Community Center, #27 E Frontage Road for review, approval and submission of:

A. Consideration of a Variance request from Zoning Ordinance 2014-02 for setbacks and building height at #6 & #8 Marietta Court.

B. Consideration of a Variance request from Sign Ordinance 2009-02 for height, number size, and type of signs for #6 & #8 Marietta Court.

During the Meeting, citizens will be given the opportunity to comment. The Commission will also accept written comments if received by 5:00 p.m. September 18, 2015. Please send comments to: Town of Edgewood, PO Box 3610, Edgewood, NM 87015. If you have any questions, please call (505) 286-4518.

PROOF OF PUBLICATION

Newspaper: Mountain View Telegraph

Date of Publication: September 17, 2015 Vol. 13 Number 5

I, Rebecca Sanchez, employee of the Town of Edgewood, do hereby certify that this is a true copy of a published newspaper notice.

Rebecca Sanchez

Signature

J. Miller

MOUNTAIN VIEW TELEGRAPH

September 17, 2015

NOTICE OF PUBLIC HEARING

The Planning & Zoning Commission for the Town of Edgewood has scheduled a Public Hearing during a Special Commission meeting on September 22, 2015 at 6:00 P.M. at the Edgewood Community Center, #27 E. Frontage Road for review, approval and submission of:

A. Consideration of a variance request from Zoning Ordinance 2014-02 for setbacks and building height at #6 & #8 Marietta Court

B. Consideration of a variance request from Sign Ordinance 2009-02 for height, number, size, and type of signs for #6 & #8 Marietta Court

During the Meeting, citizens will be given the opportunity to comment. The Commission will also accept written comments if received by 5:00 p.m. September 18, 2015. Please send comments to Town of Edgewood, P.O. Box 2410, Edgewood, NM 87015.

**MINUTES
TOWN OF EDGEWOOD
SPECIAL PLANNING & ZONING COMMISSION
SEPTEMBER 22, 2015 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER 27 E. FRONTAGE ROAD,
EDGEWOOD, NM 87015**

• CALL TO ORDER & ROLL CALL

Madame Chair McGill called the meeting to order and asked for a Roll Call.
Commissioners present were: Pat Markley, Dan Thompson and Kay McGill.
Commissioners not present were: Brad Gabel and Leonard Navarre. Also present
were: Attorney Bob White, Steve Shepherd, and Bonnie Pettee.

1. APPROVAL OF AGENDA

MOTION: Commissioner Markley made a motion to approve the agenda as presented. Commissioner Thompson seconded the motion.

VOTE: Commissioner Markley voted aye. Commissioner Thompson voted aye.
Madame Chair McGill voted Aye. The motion carried.

2. APPROVAL OF THE MINUTES

A. Draft Planning & Zoning Commission Meeting Minutes for September 1, 2015
Steve Shepherd noted that in the minutes Item 6, Findings of Fact, Commissioner Markley said in his motion "Public Comments" but the intent was "Public Hearing"; which is reflected in the minutes.

Due to the absence of Madame Chair McGill at the September 1, 2015 meeting and the absence of Commissioner Gabel at this meeting, there was not a "qualified" quorum present to approve the minutes. The Approval of the Minutes was deferred until the October 6, 2015 meeting.

3. PUBLIC COMMENT. (Limited to 2 minutes per person.)

Note: if you plan to speak under public hearings, please do not sign up for this topic.
There were none.

4. PUBLIC HEARING:

Quasi-judicial procedure: Certification that public notice of this meeting has been posted as required:

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

Madame Chair McGill explained the process of the Public Hearing.
Commissioner Markley stated he had no conflict of interest or ex-parte communication.
Commissioner Thompson stated he had no conflict of interest or ex-parte communication.

Madame Chair McGill stated she did receive a phone call from the applicant, but immediately told him she couldn't discuss it with him. She asked if there was anyone who would object to her participation in tonight's meeting.

Mr. John Bassett, Mr. Scott McCall, Mrs. Carol Gajewski, and Steve Shepherd were sworn in.

Bonnie Pettee confirmed that all Public Notices were posted as required.

- A. Consideration of a Variance Request from Zoning Ordinance 2014-02 for setbacks and building height at #6 & #8 Marietta Court.
- B. Consideration of a Variance Request from Sign Ordinance 2009-02 for height, number, size, and type of signs for #6 & #8 Marietta Court.

Steve Shepherd presented the staff report and explained all the exhibits contained within. He described the project as a 4 story hotel with 72 rooms, 87 parking stall, 5 recreational vehicle stalls and a swimming pool. There will be a breakfast area, in lieu of a full kitchen. Mr. Shepherd stated that Staff recommends approval of the requested variances and will ensure that the requirements of the Town Ordinances are met during the development review. Mr. Shepherd added that Staff will work with both the applicant and Santa Fe County Fire Department to see that the Fire Department concerns are addressed.

Mr. Scott McCall, the applicant, stated he appreciated the staff efforts concerning the details of the project. He explained that he was born and raised in Edgewood. His father was a developer here. He expressed his sincere desire to be a good neighbor and help Edgewood grow in a positive way. His proposed hotel is part of the Choice Hotels franchise and therefore, he is required to meet their design and specifications criteria. Mr. McCall explained the need for the height variance on the sign along I-40, is to catch the attention of the traveler before they reach the Edgewood exit. If they were to miss the one Edgewood exit, they would take their business to another community.

Mr. John Bassett asked if Mr. McCall had heard anything from the Santa Fe Fire Department regarding their approval of the height and setback variance.

Mr. McCall replied that he had not talked with them personally, but his architect had called them with regards to the setback and hill. He was told that a fire hose can be pulled more than 150 feet. Since the building is only 276 feet long, this won't be a problem with a truck at either end of the building. The Fire Department also told his architect that if they had a landing pad on the back side of the hotel to set the truck on, then there would be no problems. Mr. McCall added that he will not get an official approval letter from the Fire Department until they have seen a full set of plans. When the Development Review goes through the Town, it will also go through the Fire Department.

Commissioner Markley stated that from his experience, one hires a professional to draw the plans and the Fire Department guides him to the final product.

Carol Gajewski addressed the Commission. She expressed her concern with the added traffic the hotel will produce and concern for the children getting on the school bus. She also stated that the hotel would block her view of South Mountain and that she moved here for the views.

Mr. Bassett stated he did not feel the project and variances were consistent with the Zoning and Sign Ordinances. He would like to see something in writing from the Fire Department

that states they approve of the proposed project. He also, did not consider the variance valid based on a hardship. He stated this is a big departure from the limit of 36 feet in the Ordinance and it is necessary to know if the Fire Department has the equipment that will accommodate a building this high.

There were no other comments from the public. Madame Chair McGill closed the Public Hearing and the Commissioners moved to deliberation.

Commissioner Markley stated that he felt everything required has been submitted. He added that with his past experience as a developer, nothing is guaranteed; the Fire Department may require the building to be moved to provide the distance they could need to access the back of the hotel.

MOTION: Commissioner Markley made a motion to approve Item A. Consideration of a Variance Request from Zoning Ordinance 2014-02 for setbacks and building height at #6 & #8 Marietta Court; and Item B. Consideration of a Variance Request from Sign Ordinance 2009-02 for height, number, size, and type of signs for #6 & #8 Marietta Court as submitted. Commissioner Thompson seconded the motion.

VOTE: Commissioner Markley voted aye. Commissioner Thompson voted aye. Madame Chair McGill voted aye. The motion carried.

5. APPROVAL OF THE FINDINGS OF FACTS FOR VARIANCE REQUEST FOR #6 & #8 MARIETTA COURT

- A. 6 Marietta Court, Lot 19R, Edgewood Plaza Subdivision located in Section 28, Township 10 North, Range 7 East, Edgewood, Santa Fe County, New Mexico.
8 Marietta Court, Lot 18R, Edgewood Plaza Subdivision, located in Section 28, Township 10 North, Range 7 East, Edgewood, Santa Fe County, New Mexico.

Steve Shepherd explained that the two Findings of Facts in the packet are templates based on previous discussions and Public Hearings for this case. The Commission would need to add tonight's action and recommendations or discussion items.

Attorney White mentioned a few things to consider with the Findings of Fact. He, also, suggested adding two additional points regarding the accommodation of parking for larger vehicles and the placement of the property in relation to the I-40 corridor to Section 4, Findings of Fact.

MOTION: Commissioner Thompson made a motion to approve the Findings of Fact and Conclusions of Law with discussed changes. Commissioner Markley seconded the motion.

VOTE: Commissioner Markley voted aye. Commissioner Thompson voted aye. Madame Chair McGill voted aye. The motion carried.

Madame Chair McGill asked Attorney White if Leonard Navarre, who is the Secretary of the Commission, could attest the Findings and Minutes of tonight's meeting, since he was not present.

Attorney White replied that his signature is an administrative action. He is attesting to your authority as the Chairperson.

6. OLD BUSINESS:

There was none.

7. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.

Madame Chair McGill reported that she and Bonnie Pettee attended the New Mexico League of Zoning Officials Conference in Taos last week. It was a great conference and very beneficial to Commissioners. She asked staff if copies could be made of the topics spoke about and given to our Commissioners.

8. MATTERS FROM STAFF.

Staff had nothing to report.

9. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.

- A. Public Hearing for Request for a Conditional Use.
- B. Public Hearing for Request for Lot Line Adjustment

10. ADJOURN.

MOTION: Commissioner Markley made a motion to adjourn tonight's meeting.
Commissioner Thompson seconded the motion.


VOTE: Commissioner Markley voted aye. Commissioner Thompson voted aye.
Madame Chair McGill voted aye. The motion carried.

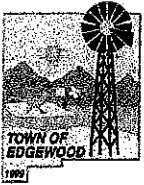
Madame Chair McGill adjourned the meeting of September 22, 2015 at 7:20 pm.

PASSED, APPROVED, and ADOPTED this 6th day of OCTOBER, 2015.


Kay McGill, Chairperson

ATTEST:


Leonard Navarre, Secretary



**BEFORE THE TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER

IN THE MATTER OF AN APPLICATION BY:

SCOTT MCCALL

CASE: 2015-01 V

FOR BUILDING AND SIGN VARIANCES

FOR PROPERTY LOCATED AT 6 & 8 MARIETTA COURT, EDGEWOOD, NM 87015
LOTS 18R AND 19R OF THE EDGEWOOD PLAZA SUBDIVISION LOCATED IN SECTION 28,
TOWNSHIP 10 NORTH, RANGE 7 EAST, EDGEWOOD, SANTA FE COUNTY, NEW MEXICO.

1. APPLICATION PROCESS

1.1 LEGAL:

- A) A REQUEST FOR CONSIDERATION OF A VARIANCE REQUEST FROM ZONING ORDINANCE 2014-02, AS AMENDED, FOR SETBACKS AND BUILDING HEIGHT AT #6 AND #8 MARIETTA COURT, EDGEWOOD, NEW MEXICO 87015.
- B) A REQUEST FOR CONSIDERATION OF A VARIANCE REQUEST FROM SIGN ORDINANCE 2009-02 FOR HEIGHT, NUMBER, SIZE, AND TYPE OF SIGNS FOR #6 AND #8 MARIETTA COURT, EDGEWOOD, NEW MEXICO 87015.
- C) 6 MARIETTA COURT, EDGEWOOD, NM 87015: LOT 19R, EDGEWOOD PLAZA, .960 ACRES, TOWNSHIP 10 NORTH, RANGE 7 EAST, SECTION 28

8 MARIETTA COURT, EDGEWOOD, NM 87015: LOT 18R, EDGEWOOD PLAZA, .940 ACRES, TOWNSHIP 10 NORTH, RANGE 7 EAST, SECTION 28

2. NOTIFICATION

Public Hearing notification printed in the Sunday Albuquerque Journal was requested on September 2, 2015, and printed on September 6, 2015. In addition; a Public Hearing notification printed in the Independent was requested on September 8, 2015, and printed on September 9, 2015. Thirteen (13) property owners within 500 feet of the subject property were mailed letters with attachments noticing the Public Hearing; Public Hearing Notices were posted at the six (6) Town of Edgewood public posting locations, two (2) yellow notice signs were posted on the property proper, and one (1) sign was posted outside the Route 66 easement on September 3, 2015.

3. PUBLIC HEARING

On August 18, 2015 at approximately 6:00PM, the Planning & Zoning Commission heard this case for approval or disapproval of a variance request from the Zoning Ordinance 2014-02, as amended, for setbacks and building height; and a variance request from the Sign Ordinance 2009-02 for height, number, size and type of signs for 6 & 8 Marietta Court, Edgewood, NM.

On September 1, 2015 at approximately 6:30PM, the Planning and Zoning Commission moved and voted to hold another Public Hearing on September 22, 2015 at 6:00PM, to consider for approval or disapproval, a variance request from the Zoning Ordinance 2014-02, as amended, for setbacks and building height; and a variance request from the Sign Ordinance 2009-02 for height, number, size and type of signs for 6 & 8 Marietta Court, Edgewood, NM.

On September 22, 2015 at approximately 7:00PM, the Planning and Zoning Commission moved and voted to approve the variance request from the Zoning Ordinance 2014-02, for setbacks and building height; and the variance request from the Sign Ordinance 2009-02 for height, number, size and type of signs for 6 & 8 Marietta Court, Edgewood, NM.

3.1 WITNESSES TESTIFYING 08/18/15:

Mr. Scott McCall, Ms. Myra Pancrazio, and Mr. John Bassett
Staff Testifying: Stephen Shepherd

3.2 WITNESSES TESTIFYING 09/22/15:

Mr. Scott McCall, Mr. John Bassett, and Mrs. Carol Gajewski
Staff Testifying: Stephen Shepherd

4. FINDINGS OF FACT

4.1 The Edgewood Planning & Zoning Commission is authorized to hear this case and to make a decision to approve or disapprove the request for variances for Mr. Scott McCall.

4.2 The requested application approval recommendation is within the jurisdiction of the Commission to issue approval of the requested variances under Zoning Ordinance 2014-02, as amended, and Sign Ordinance 2009-02.

4.3 Recommendation of approval of these variances:

a) Is consistent with the general intent and purposes of the Ordinances referenced above; and

- b) Is consistent with the initiatives listed in the Comprehensive Land Use Plan for the Town of Edgewood, Section V, Action Plans Recommended, 17) Economic Development Strategies, on Page 74; and
- c) Will not adversely affect the general plan of the Town or be contrary to the general public health and welfare.
- d) That to accommodate the parking of larger vehicles that is necessary for the permitted use, is a special circumstance that warrants approval.
- e) That the placement of the property in relation to the elevation of Interstate 40 is a special circumstance that warrants approval.

5. CONCLUSIONS OF LAW

The requested variances for property located at 6 & 8 Marietta Court, within Edgewood Plaza Subdivision, Lots 18R & 19R, Township 10 North Range 7 East, Edgewood, Section 28, Santa Fe County, New Mexico.

5.1 Determined to have met the requirements for Variance per the Zoning Ordinance 2014-02, as amended and Sign Ordinance 2009-02 with the following conditions:

- a) Approving a setback variance at the rear of the property to 12' subject to Santa Fe County Fire Department approval of a detailed development plan.
- b) Further, approve a building height variance not to exceed 60 feet.
- c) Further to approve a variance under Sign Ordinance 2009-02, for pylon sign #2 providing for maximum height of 70' and face size of 244 square feet.
- d) Further, approval of a variance allowing placement of 2 pylon signs, per Sign Ordinance 2009-02, Section 4.C, with placement along the same frontage.
- e) No variance is required for sign #3 or the building sign #1.
- f) Payment of Santa Fe County Fire & Rescue Impact Fees
- g) Attain Santa Fe County Fire Department Approval of a Detailed Development Plan
- h) Town Ordinances to be followed when the lots are developed are:
 - Fire and Rescue Impact Fees 2004-09
 - Grading & Drainage 2001-01, as amended 11/04/10
 - Landscaping Ordinance 2000-25
 - Sign Ordinance 2009-02
 - Sub-Division Ordinance 2014-03
 - Uniform Fire Code 1999-T

- Zoning Ordinance 2014-02, as amended

5.2 The proposed project and variances are not detrimental to the public health, safety or welfare in the zone in which it is proposed.

5.3 The proposed project and variances will not result in adverse impact on neighboring properties.

6. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law and the reasons stated above, the Town of Edgewood Planning and Zoning Commission orders that Case 2015-01 V, a request by Scott McCall for 6 & 8 Marietta Court, Edgewood, NM is hereby granted.

WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW WERE APPROVED BY THE EDGEWOOD PLANNING AND ZONING COMMISSION AT A SCHEDULED PUBLIC MEETING HELD SEPTEMBER 22, 2015.




Kay McGill, Chairperson

Town of Edgewood Planning and Zoning Commission

9/30/2015

Dated

Attest:


Leonard Navarre, Secretary

Town of Edgewood Planning & Zoning Commission

10/1/15

Dated

Letters to Property Owners within 500'

09/04/15
Mailing

Property Owners:

Carl and Josephine Bassett X
PO Box 100 X
Edgewood, NM 87015

Mr. John Corelis and Mr. Artie Hart
5417 CR 7920 X
Lubbock, TX 79424 X

Vista Larga Animal Hospital X
2 Marietta Court X
Suite C
Edgewood, NM 87015

Washington Federal X
425 Pike Avenue X
Seattle, WA 98101

Express Development Limited (WITHIN 100') X
1524 Eubank NE X
Suite #6
Albuquerque, NM 87112

NLA Edgewood LLC (WITHIN 100') X
2501 N. Harwood X
#1510
Dallas, TX 75201

Lucky Turtle LLC (WITHIN 100') X
5110 N 40th X
Suite #110
Phoenix, AZ 85018

Jay Lawrence Lazarus X
18 Golden Ridge Road X
Santa Fe, NM 87505

Phillip and Jacque L. Silva X
2 George Court X
Edgewood, NM 87015

Doral R. and Terri A. Sandlin
1005 Tierra Viva Court NW
Albuquerque, NM 87107

County website address was bad.

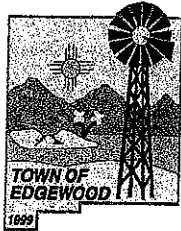
This address was found on the internet in a reverse directory.

Laura S. Shriver
HC 62 Box #4108
Thoreau, NM 87323

My Bank
PO Box 105
Belen, NM 87002

Eugene F. Sr. and Carol Gajewski
PO Box 2937
Edgewood, NM 87015

Property owner addresses were acquired on the Santa Fe County Website/Assessor's Section



TOWN OF EDGEWOOD

Where the Mountains Meet the Plains

1911 Historic Route 66
PO Box 3610
Edgewood, NM 87015
Phone: (505) 286-4518 Fax (505) 286-4519
www.edgewood-nm.gov

September 4, 2015

Carl and Josephine Bassett
PO Box 100
Edgewood, NM 87015

Dear Property Owner:

THE PUBLIC HEARING PREVIOUSLY NOTICED FOR SEPTEMBER 15, 2015, WILL NOW BE HELD ON SEPTEMBER 22, 2015. THIS LETTER SERVES AS NOTICE FOR THE MEETING TO BE HELD ON SEPTEMBER 22, 2015.

Our records indicate that you are an adjoining property owner to the property at:

6 & 8 Marietta Court; LOT 19R EDGEWOOD PLAZA, .960 AC, T 10N R 7E S28 & LOT 18R, EDGEWOOD PLAZA, .94 AC, T 10N R 7E S28, SANTA FE COUNTY, NM, an applicant for:

Consideration of a Variance Request from Zoning Ordinance 2014-02 for setbacks and building height at #6 & #8 Marietta Court; and

Consideration of a Variance Request from Sign Ordinance 2009-02 for height, number, size, and type of signs for #6 & #8 Marietta Court.

Type of Project: Proposed 72 Room Hotel

This project is consistent with the Comprehensive Land Use Plan for the Town of Edgewood, Section V, Action Plans Recommended, 17) Economic Development Strategies) Page 74)

Applicant : Scott McCall
PO Box 687
Edgewood, NM 87015
(505)-235-9018

Mayor:
Brad E. Hill

Councilors:
Sherry Abraham
John Abrams
Chuck Ring
Rita Loy Simmons

Municipal Judge:
Wm. H. White

Administrator:
Stephen Shepherd

Clerk-Treasurer:
Estefanie Muller, CMC

The Public Hearing will be held on Tuesday, September 22, 2015 at 6:00pm in the Edgewood Community Center (27 E. Frontage Road) during a special meeting of the Town of Edgewood Planning and Zoning Commission.

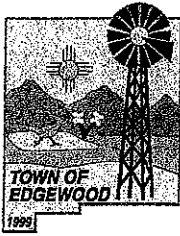
If you cannot be heard and wish to have your comments heard, or have questions regarding this Public Hearing, please contact Bonnie Pettee or Steve Shepherd at the above number.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Shepherd", written in a cursive style.

Steve Shepherd, Town Administrator
Town of Edgewood

Attachments: Zone Map
Site Map
Proposed Building Elevation



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Phone: (505) 286-4518 Fax (505) 286-4519
www.edgewood-nm.gov

September 4, 2015

Mr. John Corelis
Mr. Artie Hart
5417 CR 7920
Lubbock, TX 79424

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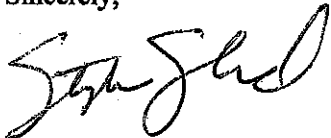
Administrator:
Stephen Shepherd

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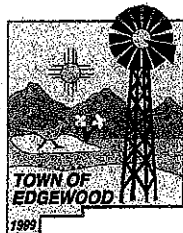
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Sincerely,

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Steve Shepherd, Town Administrator
Town of Edgewood

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September 4, 2015

Vista Larga Animal Hospital
2 Marietta Court
Suite C
Edgewood, NM 87015

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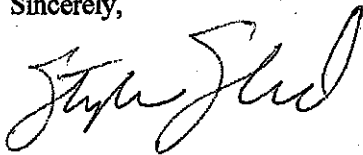
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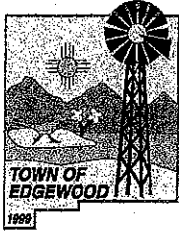
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Town of Edgewood

Attachments: Zone Map
Site Map
Proposed Building Elevation



TOWN OF EDGEWOOD

Where the Mountains Meet the Plains

1911 Historic Route 66
PO Box 3610
Edgewood, NM 87015
Phone: (505) 286-4518 Fax (505) 286-4519
www.edgewood-nm.gov

September 4, 2015

Washington Federal
425 Pike Avenue
Seattle, WA 98101

Dear Property Owner:

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Applicant : Scott McCall
PO Box 687
Edgewood, NM 87015
(505)-235-9018

Mayor:
Brad E. Hill

Councilors:
Sherry Abraham
John Abrams
Chuck Ring
Rita Loy Simmons

Municipal Judge:
Wm. H. White

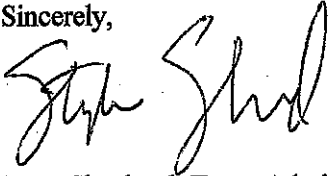
Administrator:
Stephen Shepherd

Clerk-Treasurer:
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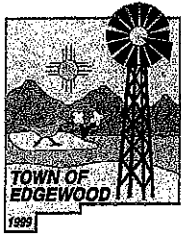
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September 4, 2015

Express Development Limited
1524 Eubank NE
Suite #6
Albuquerque, NM 87112

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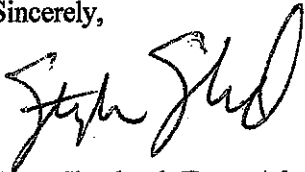
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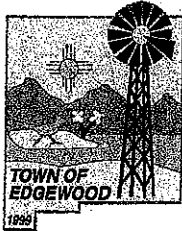
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September 4, 2015

NLA Edgewood LLC
2501 N. Harwood
#1510
Dallas, TX 75201

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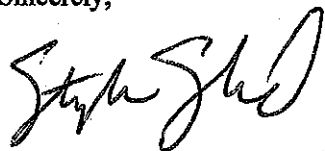
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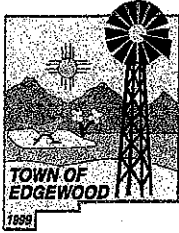
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September 4, 2015

Lucky Turtle LLC
5110 North 40th
Suite #110
Phoenix, AZ 85018

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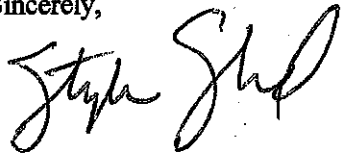
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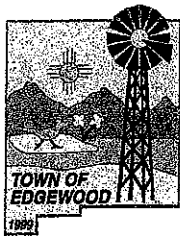
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September 4, 2015

Mr. Jay Lawrence Lazarus
18 Golden Ridge Road
Santa Fe, NM 87505

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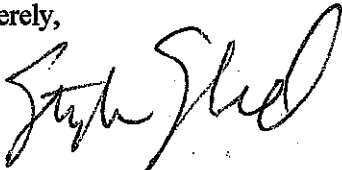
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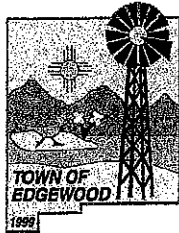
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September 4, 2015

Phillip and Jacque L. Silva
2 George Court
Edgewood, NM 87015

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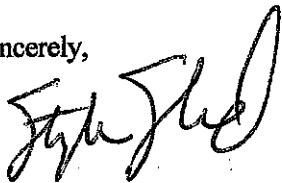
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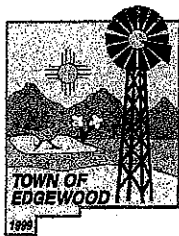
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September 4, 2015

Doral R. and Terri A. Sandlin
1005 Tierra Viva Court NW
Albuquerque, NM 87107

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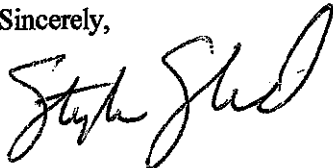
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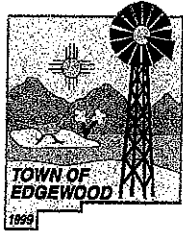
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September 4, 2015

Laura S. Shriver
HC 62
#4108
Thoreau, NM 87323

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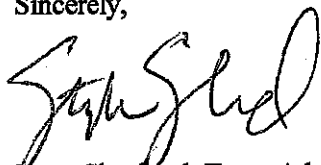
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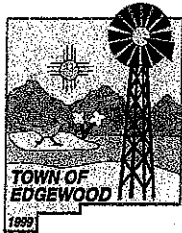
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MY BANK
PO Box 105
Belen, NM 87002

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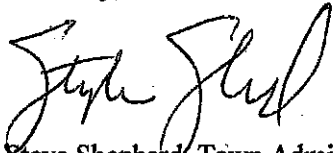
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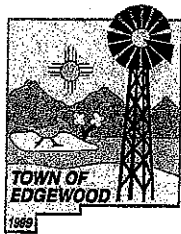
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Eugene F Sr. and Carol Gajewski
PO Box 2937
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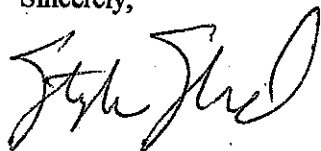
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